EXHIBIT A

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, ex rel W.A. DREW EDMONDSON in his capacity as ATTORNEY GENERAL OF THE STATE OF OKLAHOMA, ET AL. Plaintiff, vs. TYSON FOODS, INC., ET AL. Defendants.	Case No. 05-CV-0329-TCK-SAJ

DEFENDANTS TYSON FOODS, INC., COBB-VANTRESS, INC., TYSON CHICKEN, INC., AND TYSON POULTRY, INC.'s REQUESTS FOR ADMISSION TO THE STATE OF OKLAHOMA

Pursuant to Fed. R. Civ. P. 36, Defendants Tyson Foods, Inc., Cobb-Vantress, Inc., Tyson Chicken, Inc., and Tyson Poultry, Inc. (collectively "Tyson" or the "Tyson companies") request that Plaintiff, the State of Oklahoma, respond to each Request for Admission set forth below within thirty (30) days after service of these Requests.

Pursuant to Fed. R. Civ. P. 36, the Requests for Admission set forth below are admitted unless, within thirty (30) days after service of the Requests, or within such shorter or longer time as the Court may allow or as the parties may agree to in writing, you serve on Tyson a written answer or objection addressed to the matter, signed by you or your attorney. Your responses shall specifically admit or deny each Request, or set forth in detail the reasons why you cannot truthfully admit or deny the Request. A denial shall fairly meet the substance of the Request, and when good faith requires that you qualify a response or deny only a part of the matter of which the admission is requested,

you shall specify so much of it as is true and qualify or deny the remainder. You may not give lack of information or knowledge as a reason for not admitting or denying a Request unless you state that you have made reasonable inquiry and that the information known or readily obtainable by you is insufficient to enable you to admit or deny the Request. The reasons for all objections must be in writing.

The following Requests are organized with topic headings solely for the convenience of the parties and the Court. The topic headings do not require a response and the Tyson companies will not be deem any of the topic headings to be admitted by Plaintiff. Similarly, the topic headings do not affect the meaning of the individual Requests and do not govern in the event of a conflict with a Request. Finally, although the Requests are grouped for convenience and each Request is set forth only once, a Request may nevertheless relate to more than one of Plaintiffs' claims or the defenses thereto.

DEFINITIONS

1. The terms "person" and "persons" mean any individual, corporation, joint venture, limited partnership, partnership, association, group or entity of any kind.

2. The terms "plaintiff," "you" and "your" refer to the Plaintiff State of Oklahoma, including all offices, personnel, entities, and divisions of the Oklahoma state government. These terms also include W.A. Drew Edmondson and the office of the Oklahoma Attorney General, Miles Tolbert and the office of the Oklahoma Secretary of the Environment and their attorneys, experts, consultants, agents and employees.

3. The term "State of Arkansas" includes all offices, personnel, entities, and divisions of the Arkansas state government.

4. The term "poultry producers" means individuals and entities that are in the business of raising poultry for human consumption.

5. The term "poultry integrators" means companies or other businesses that are in the business of processing poultry for human consumption.

6. The term "environment of the Illinois River Watershed" means the surface water, ground water, ambient air, soil, sediments, minerals, plants and organisms within the Illinois River Watershed, including any portion thereof.

7. The term "stream" includes all forms of running groundwater, including the Illinois River and its tributaries.

8. The term "elemental phosphorus" means pure phosphorus, as reflected by the symbol "P" and the atomic number 15 on the periodic table of elements. The term excludes phosphorus compounds.

9. The term "phosphorus compounds" means any molecule containing one or more phosphorus atoms combined with one or more atoms of different elements. The term includes both ionic and covalent compounds. The term excludes elemental phosphorus.

10. The term "elemental nitrogen" means pure nitrogen, as reflected by the symbol "N" and the atomic number 7 on the periodic table of elements. The term excludes nitrogen compounds.

11. The term "nitrogen compounds" means any molecule containing one or more nitrogen atoms combined with one or more atoms of different elements. The term includes both ionic and covalent compounds. The term excludes elemental nitrogen.

12. The term "elemental copper" means pure copper, as reflected by the symbol "Cu" and the atomic number 29 on the periodic table of elements. The term excludes copper compounds.

13. The term "copper compounds" means any molecule containing one or more copper atoms combined with one or more atoms of different elements. The term includes both ionic and covalent compounds. The term excludes elemental copper.

14. The term "elemental arsenic" means pure arsenic, as reflected by the symbol "As" and the atomic number 33 on the periodic table of elements. The term excludes arsenic compounds.

15. The term "arsenic compounds" means any molecule containing one or more arsenic atoms combined with one or more atoms of different elements. The term includes both ionic and covalent compounds. The term excludes elemental arsenic.

16. The term "elemental zinc" means pure zinc, as reflected by the symbol "Zn" and the atomic number 30 on the periodic table of elements. The term excludes zinc compounds.

17. The term "zinc compounds" means any molecule containing one or more zinc atoms combined with one or more atoms of different elements. The term includes both ionic and covalent compounds. The term excludes elemental zinc.

18. The term "total phosphorus" means the sum of all phosphorus, including both elemental phosphorus and all phosphorus compounds.

19. The term "total nitrogen" means the sum of all nitrogen, including both elemental nitrogen and all nitrogen compounds.

20. The term "waste water treatment plants" ("WWTPs") means any facility that is intended to treat or purify water that has been used for any purpose.

21. The term "livestock" means all animals, other than poultry, that are domesticated by humans.

22. The terms "point source" has the meaning given to that term under the Federal Water Pollution Control Act Amendments of 1972, codified at 33 U.S.C. §§ 1251-1387 (the "Clean Water Act") and implementing regulations.

23. The term "non-point source" has the meaning given to that term under the Clean Water Act and implementing regulations.

REQUESTS FOR ADMISSION

I. PLAINTIFF'S STANDING TO BRING THE CLAIMS IN THE FIRST AMENDED COMPLAINT

REQUEST FOR ADMISSION NO. 1:

The State of Oklahoma claims an interest in the beds of navigable rivers within the Illinois River Watershed in Oklahoma.

REQUEST FOR ADMISSION NO. 2:

One or more Native American tribes claim an interest in the beds of navigable rivers within the Illinois River Watershed in Oklahoma.

REQUEST FOR ADMISSION NO. 3:

The United States Government has committed or conveyed some of the beds of navigable rivers within the Illinois River Watershed in Oklahoma to one or more Native American tribes.

REQUEST FOR ADMISSION NO. 4:

The United States Government has committed or conveyed some of the soil within the Illinois River Watershed in Oklahoma to one or more Native American tribes.

REQUEST FOR ADMISSION NO. 5:

The United States Government has committed or conveyed some of the sediments within the Illinois River Watershed in Oklahoma to one or more Native American tribes.

REQUEST FOR ADMISSION NO. 6:

The United States Government has committed or conveyed some of the surface water within the Illinois River Watershed in Oklahoma to one or more Native American tribes.

REQUEST FOR ADMISSION NO. 7:

The United States Government has committed or conveyed some of the ground water within the Illinois River Watershed in Oklahoma to one or more Native American tribes.

REQUEST FOR ADMISSION NO. 8:

The United States Government has committed or conveyed some of the biota within the Illinois River Watershed in Oklahoma to one or more Native American tribes.

REQUEST FOR ADMISSION NO. 9:

The State of Oklahoma does not have an interest in the beds of navigable rivers in Arkansas.

REQUEST FOR ADMISSION NO. 10:

The State of Oklahoma does not have an interest in any natural resources in Oklahoma that have been committed or conveyed by the United States Government to Native American tribes.

REQUEST FOR ADMISSION NO. 11:

The State of Oklahoma holds all natural resources that are located within the political boundaries of Oklahoma and are not owned or held in trust by private parties, Native American tribes, or the United States Government in trust on behalf of and for the benefit of the public in Oklahoma.

REQUEST FOR ADMISSION NO. 12:

The State of Arkansas holds all natural resources that are located within the political boundaries of Arkansas and are not owned or held in trust by private parties, Native American tribes, or the United States Government in trust on behalf of and for the benefit of the public in Arkansas.

REQUEST FOR ADMISSION NO. 13:

The State of Oklahoma does not hold any interest in any natural resource within the political boundaries of Arkansas.

REQUEST FOR ADMISSION NO. 14:

The State of Oklahoma does not hold any interest in any natural resources that are owned or held in trust by the United States Government.

REQUEST FOR ADMISSION NO. 15:

The State of Oklahoma does not hold any interest in any natural resources that are owned or held in trust by private parties.

REQUEST FOR ADMISSION NO. 16:

The State of Oklahoma, through its Attorney General, may not commence suit as *parens patriae* on behalf of the residents of Arkansas.

REQUEST FOR ADMISSION NO. 17:

The State of Oklahoma, through its Attorney General, may not commence suit as *parens patriae* on behalf of Native American tribes.

REQUEST FOR ADMISSION NO. 18:

Oklahoma Attorney General W.A. Drew Edmondson does not represent the State of Arkansas, the citizens of Arkansas, the United States Government, or any Native American tribes in this litigation.

REQUEST FOR ADMISSION NO. 19:

Oklahoma Attorney General W.A. Drew Edmondson does not represent the members of any Native American tribes in this litigation.

REQUEST FOR ADMISSION NO. 20:

Arkansas Department of Environmental Quality Director Marcus C. Devine is the duly appointed trustee for natural resources for the State of Arkansas under the Comprehensive Environmental Response, Compensation, and Liability Act, codified at 42 U.S.C. §§ 9601-9675 ("CERCLA").

REQUEST FOR ADMISSION NO. 21:

Oklahoma Secretary of the Environment C. Miles Tolbert is not the duly appointed trustee under CERCLA for natural resources for the State of Arkansas.

REQUEST FOR ADMISSION NO. 22:

Oklahoma Secretary of the Environment C. Miles Tolbert is not the duly appointed trustee under CERCLA for natural resources owned or held in trust by or for Native American tribes.

II. PLAINTIFF'S CLAIMS THAT CERTAIN ALLEGED "HAZARDOUS SUBSTANCES" HAVE BEEN ALLEGEDLY "DISPOSED OF" OR "RELEASED" IN THE ILLINOIS RIVER WATERSHED THROUGH EACH DEFENDANT'S ACTIVITIES AND OPERATIONS

REQUEST FOR ADMISSION NO. 23:

Plaintiff collected samples of surface water, ground water, soil, sediment, or other media from one or more properties located in Arkansas.

REQUEST FOR ADMISSION NO. 24:

Plaintiff installed a sampling device or devices on one or more properties located in Arkansas.

REQUEST FOR ADMISSION NO. 25:

Plaintiff installed a monitoring device or devices on one or more properties located in Arkansas.

REQUEST FOR ADMISSION NO. 26:

On instances when no representative of a Defendant was present, Plaintiff collected samples of surface water, ground water, soil, sediment, or other media from one or more properties located in Oklahoma.

REQUEST FOR ADMISSION NO. 27:

On instances when no representative of a Defendant was present, Plaintiff installed a sampling device or devices on one or more properties located in Oklahoma.

REQUEST FOR ADMISSION NO. 28:

On instances when no representative of a Defendant was present, Plaintiff installed a monitoring device or devices on one or more properties located in Oklahoma.

REQUEST FOR ADMISSION NO. 29:

Plaintiff collected samples of surface water, ground water, soil, sediment, or other media from one or more properties located in Arkansas that are owned or administered by the State of Arkansas.

REQUEST FOR ADMISSION NO. 30:

Plaintiff installed a sampling device or devices on one or more properties located in Arkansas that are owned or administered by the State of Arkansas.

REQUEST FOR ADMISSION NO. 31:

Plaintiff installed a monitoring device or devices on one or more properties located in Arkansas that are owned or administered by the State of Arkansas.

REQUEST FOR ADMISSION NO. 32:

Plaintiff collected samples of surface water, ground water, soil, sediment, or other media from one or more properties located in Arkansas that are owned or administered by a governmental entity other than the State of Arkansas.

REQUEST FOR ADMISSION NO. 33:

Plaintiff installed a sampling device or devices on one or more properties located in Arkansas that are owned or administered by a governmental entity other than the State of Arkansas.

REQUEST FOR ADMISSION NO. 34:

Plaintiff installed a monitoring device or devices on one or more properties located in Arkansas that are owned or administered by a governmental entity other than the State of Arkansas.

REQUEST FOR ADMISSION NO. 35:

Plaintiff collected samples of surface water, ground water, soil, sediment, or other media from one or more properties that are owned or administered by the United States Government.

REQUEST FOR ADMISSION NO. 36:

Plaintiff installed a sampling device or devices on one or more properties that are owned or administered by the United States Government.

REQUEST FOR ADMISSION NO. 37:

Plaintiff installed a monitoring device or devices on one or more properties that are owned or administered by the United States Government.

REQUEST FOR ADMISSION NO. 38:

Plaintiff collected samples of surface water, ground water, soil, sediment, or other media from one or more properties that are owned or administered by the Cherokee Nation.

REQUEST FOR ADMISSION NO. 39:

Plaintiff installed a sampling device or devices on one or more properties that are owned or administered by the Cherokee Nation.

REQUEST FOR ADMISSION NO. 40:

Plaintiff installed a monitoring device or devices on one or more properties that are owned or administered by the Cherokee Nation.

REQUEST FOR ADMISSION NO. 41:

Plaintiff collected samples of surface water, ground water, soil, sediment, or other media from one or more properties that are owned or administered by Plaintiff.

REQUEST FOR ADMISSION NO. 42:

Plaintiff installed a sampling device or devices on one or more properties that are owned or administered by Plaintiff.

REQUEST FOR ADMISSION NO. 43:

Plaintiff installed a monitoring device or devices on one or more properties that are owned or administered by Plaintiff.

REQUEST FOR ADMISSION NO. 44:

Plaintiff collected samples of surface water, ground water, soil, sediment, or other media from one or more properties located in Arkansas that are owned by businesses or individuals doing business in the State of Arkansas.

REQUEST FOR ADMISSION NO. 45:

Plaintiff installed a sampling device or devices on one or more properties located in Arkansas that are owned by businesses or individuals doing business in the State of Arkansas.

REQUEST FOR ADMISSION NO. 46:

Plaintiff installed a monitoring device or devices on one or more properties located in Arkansas that are owned by businesses or individuals doing business in the State of Arkansas.

REQUEST FOR ADMISSION NO. 47:

Plaintiff analyzed one or more of the samples it collected in Arkansas for elemental phosphorus.

REQUEST FOR ADMISSION NO. 48:

Plaintiff analyzed one or more of the samples it collected in Arkansas for one or more phosphorus compounds.

REQUEST FOR ADMISSION NO. 49:

Plaintiff analyzed one or more of the samples it collected in Arkansas for elemental nitrogen.

REQUEST FOR ADMISSION NO. 50:

Plaintiff analyzed one or more of the samples it collected in Arkansas for one or more nitrogen compounds.

REQUEST FOR ADMISSION NO. 51:

Plaintiff analyzed one or more of the samples it collected in Arkansas for elemental copper.

REQUEST FOR ADMISSION NO. 52:

Plaintiff analyzed one or more of the samples it collected in Arkansas for one or more copper compounds.

REQUEST FOR ADMISSION NO. 53:

Plaintiff analyzed one or more of the samples it collected in Arkansas for elemental arsenic.

REQUEST FOR ADMISSION NO. 54:

Plaintiff analyzed one or more of the samples it collected in Arkansas for one or more arsenic compounds.

REQUEST FOR ADMISSION NO. 55:

Plaintiff analyzed one or more of the samples it collected in Arkansas for elemental zinc.

REQUEST FOR ADMISSION NO. 56:

Plaintiff analyzed one or more of the samples it collected in Arkansas for one or more zinc compounds.

REQUEST FOR ADMISSION NO. 57:

Plaintiff analyzed one or more of the samples it collected in Arkansas for one or more hormones.

REQUEST FOR ADMISSION NO. 58:

Plaintiff analyzed one or more of the samples it collected in Arkansas for one or more microbial pathogens.

REQUEST FOR ADMISSION NO. 59:

Plaintiff analyzed one or more of the samples it collected in Oklahoma for elemental phosphorus.

REQUEST FOR ADMISSION NO. 60:

Plaintiff analyzed one or more of the samples it collected in Oklahoma for one or more phosphorus compounds.

REQUEST FOR ADMISSION NO. 61:

Plaintiff analyzed one or more of the samples it collected in Oklahoma for elemental nitrogen.

REQUEST FOR ADMISSION NO. 62:

Plaintiff analyzed one or more of the samples it collected in Oklahoma for one or more nitrogen compounds.

REQUEST FOR ADMISSION NO. 63:

Plaintiff analyzed one or more of the samples it collected in Oklahoma for elemental copper.

REQUEST FOR ADMISSION NO. 64:

Plaintiff analyzed one or more of the samples it collected in Oklahoma for one or more copper compounds.

REQUEST FOR ADMISSION NO. 65:

Plaintiff analyzed one or more of the samples it collected in Oklahoma for elemental arsenic.

REQUEST FOR ADMISSION NO. 66:

Plaintiff analyzed one or more of the samples it collected in Oklahoma for one or more arsenic compounds.

REQUEST FOR ADMISSION NO. 67:

Plaintiff analyzed one or more of the samples it collected in Oklahoma for elemental zinc.

REQUEST FOR ADMISSION NO. 68:

Plaintiff analyzed one or more of the samples it collected in Oklahoma for one or more zinc compounds.

REQUEST FOR ADMISSION NO. 69:

Plaintiff analyzed one or more of the samples it collected in Oklahoma for one or more hormones.

REQUEST FOR ADMISSION NO. 70:

Plaintiff analyzed one or more of the samples it collected in Oklahoma for one or more microbial pathogens.

REQUEST FOR ADMISSION NO. 71:

Some elemental phosphorus occurs naturally within the Illinois River Watershed. In other words, some elemental phosphorus would exist in the environment of the Illinois River Watershed absent the activities of humans.

REQUEST FOR ADMISSION NO. 72:

Some phosphorus compounds occur naturally within the Illinois River Watershed. In other words, some phosphorus compounds would exist in the environment of the Illinois River Watershed absent the activities of humans.

REQUEST FOR ADMISSION NO. 73:

Some elemental nitrogen occurs naturally within the Illinois River Watershed. In other words, some elemental nitrogen would exist in the environment of the Illinois River Watershed absent the activities of humans.

REQUEST FOR ADMISSION NO. 74:

Some nitrogen compounds occur naturally within the Illinois River Watershed. In other words, some nitrogen compounds would exist in the environment of the Illinois River Watershed absent the activities of humans.

REQUEST FOR ADMISSION NO. 75:

Some elemental copper occurs naturally within the Illinois River Watershed. In other words, some elemental copper would exist in the environment of the Illinois River Watershed absent the activities of humans.

REQUEST FOR ADMISSION NO. 76:

Some copper compounds occur naturally within the Illinois River Watershed. In other words, some copper compounds would exist in the environment of the Illinois River Watershed absent the activities of humans.

REQUEST FOR ADMISSION NO. 77:

Some elemental zinc occurs naturally within the Illinois River Watershed. In other words, some elemental zinc would exist in the environment of the Illinois River Watershed absent the activities of humans.

REQUEST FOR ADMISSION NO. 78:

Some zinc compounds occur naturally within the Illinois River Watershed. In other words, some elemental zinc would exist in the environment of the Illinois River Watershed absent the activities of humans.

REQUEST FOR ADMISSION NO. 79:

Some elemental arsenic occurs naturally within the Illinois River Watershed. In other words, some elemental arsenic would exist in the environment of the Illinois River Watershed absent the activities of humans.

REQUEST FOR ADMISSION NO. 80:

Some arsenic compounds occur naturally within the Illinois River Watershed. In other words, some arsenic compounds would exist in the environment of the Illinois River Watershed absent the activities of humans.

REQUEST FOR ADMISSION NO. 81:

Some hormones occur naturally within the Illinois River Watershed. In other words, some hormones would exist in the environment of the Illinois River Watershed absent the activities of humans.

REQUEST FOR ADMISSION NO. 82:

Some microbial pathogens occur naturally within the Illinois River Watershed. In other words, some microbial pathogens would exist in the environment of the Illinois River Watershed absent the activities of humans.

REQUEST FOR ADMISSION NO. 83:

There are more than 30,000 known phosphorus compounds.

REQUEST FOR ADMISSION NO. 84:

Poultry litter does not contain elemental phosphorus.

REQUEST FOR ADMISSION NO. 85:

Poultry litter contains only one phosphorus compound.

REQUEST FOR ADMISSION NO. 86:

Poultry litter contains the phosphorus compound P_2O_5.

REQUEST FOR ADMISSION NO. 87:

By the terms of CERCLA § 101(14), 42 U.S.C. § 9601(14), "hazardous substances," for the purposes of CERCLA liability, include only those substances designated as such on any of six reference lists created under both CERCLA itself, and several other major environmental laws: Clean Water Act ("CWA") toxic chemicals, *see* 40 C.F.R. § 401.15, CWA hazardous substances, *see* 40 C.F.R. § 116.4 (Table 116.4A), Clean Air Act ("CAA") hazardous pollutants, *see* 42 U.S.C. § 7412(b)(1), CERCLA hazardous substances, *see* 40 C.F.R. § 302.4 (Table), RCRA hazardous wastes, *see* 40 C.F.R. Pt. 261, and certain Toxic Substances Control Act ("TSCA") listed chemicals, *see* 42 U.S.C. § 9601(14)(A)-(F). To distinguish the individually listed chemicals, the EPA included each chemical name, its associated standard identifiers—including its chemical abstract service registry number ("CASRN") (*e.g.* "Zinc 7440-66-6;" "Zing acetate 557-34-6"). *See* 40 C.F.R. § 302.4 (Table). Where the EPA lists categories of related substances, however, this is not possible (e.g. "Zinc and Compounds N.A."). Hazardous substances under CERCLA are codified at 40 C.F.R. § 302.4 (the "CERCLA Hazardous Substances List").

REQUEST FOR ADMISSION NO. 88:

If a substance does not appear on the CERCLA Hazardous Substances List, it is not a hazardous substance under CERCLA.

REQUEST FOR ADMISSION NO. 89:

Elemental phosphorus is on the CERCLA Hazardous Substances List.

REQUEST FOR ADMISSION NO. 90:

The compound P_2O_5 is not on the CERCLA Hazardous Substances List.

REQUEST FOR ADMISSION NO. 91:

The compound PO_4 is not on the CERCLA Hazardous Substances List.

REQUEST FOR ADMISSION NO. 92:

Phosphate (CASRN 14265-44-2) is not on the CERCLA Hazardous Substances List.

REQUEST FOR ADMISSION NO. 93:

No phosphorus compounds found in poultry litter are on the CERCLA Hazardous Substances List.

REQUEST FOR ADMISSION NO. 94:

Elemental nitrogen is not on the CERCLA Hazardous Substances List.

REQUEST FOR ADMISSION NO. 95:

No nitrogen compounds found in poultry litter are on the CERCLA Hazardous Substances List.

REQUEST FOR ADMISSION NO. 96:

Elemental zinc is not on the CERCLA Hazardous Substances List.

REQUEST FOR ADMISSION NO. 97:

No zinc compounds found in poultry litter are on the CERCLA Hazardous Substances List.

REQUEST FOR ADMISSION NO. 98:

Elemental copper is not on the CERCLA Hazardous Substances List.

REQUEST FOR ADMISSION NO. 99:

No copper compounds found in poultry litter are on the CERCLA Hazardous Substances List.

REQUEST FOR ADMISSION NO. 100:

Plaintiff has no evidence that poultry litter contains elemental phosphorus.

REQUEST FOR ADMISSION NO. 101:

Plaintiff has no evidence that elemental phosphorus has been found in any surface water located within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 102:

Plaintiff has no evidence that elemental phosphorus has been found in any groundwater located within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 103:

Plaintiff has no evidence that elemental phosphorus has been found in any soil located within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 104:

Plaintiff has no evidence that elemental phosphorus has been found in any sediment located within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 105:

Scientific methods exist that can speciate various phosphorus compounds.

REQUEST FOR ADMISSION NO. 106:

Scientific methods exist that can determine the sources of phosphorus compounds in environmental samples.

REQUEST FOR ADMISSION NO. 107:

Scientific methods exist that can exclude sources of phosphorus compounds in environmental samples.

REQUEST FOR ADMISSION NO. 108:

The fraction of soluble elemental phosphorus entering a water system is important to determine how much elemental phosphorus will be present in the water.

REQUEST FOR ADMISSION NO. 109:

The fraction of soluble phosphorus compounds entering a water system is important to determine how much of each phosphorus compound will be present in the water.

REQUEST FOR ADMISSION NO. 110:

Elemental nitrogen does not contribute to eutrophication in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 111:

Nitrogen compounds do not contribute to eutrophication in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 112:

Elemental arsenic does not contribute to eutrophication in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 113:

Arsenic compounds do not contribute to eutrophication in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 114:

Elemental zinc does not contribute to eutrophication in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 115:

Zinc compounds do not contribute to eutrophication in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 116:

Elemental copper does not contribute to eutrophication in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 117:

Copper compounds do not contribute to eutrophication in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 118:

Hormones do not contribute to eutrophication in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 119:

Microbial pathogens do not contribute to eutrophication in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 120:

The Oklahoma Attorney General has stated that poultry litter in and of itself is not hazardous waste, but when the litter contains elements like arsenic, copper and zinc, it can be hazardous.

REQUEST FOR ADMISSION NO. 121:

Poultry litter in and of itself is not hazardous waste.

REQUEST FOR ADMISSION NO. 122:

The Oklahoma Attorney General has stated that Oklahoma is not so much concerned about poultry litter itself, but feed additives and other toxic materials, such as zinc, arsenic, copper and growth hormones, that end up in litter as a result of the animal feeding process.

REQUEST FOR ADMISSION NO. 123:

Poultry litter itself is not a concern, without feed additives or other materials containing toxic materials.

REQUEST FOR ADMISSION NO. 124:

The Oklahoma Attorney General has stated that animal waste, in itself, is not a hazard.

REQUEST FOR ADMISSION NO. 125:

Animal waste, in itself, is not a hazard.

REQUEST FOR ADMISSION NO. 126:

Plaintiff has stated that it does not consider bacteria levels in Oklahoma's streams to be a public health problem.

REQUEST FOR ADMISSION NO. 127:

Bacteria levels in Oklahoma's streams are not a public health problem.

REQUEST FOR ADMISSION NO. 128:

Plaintiff has stated that the bacteria present in Oklahoma's streams are not dangerous.

REQUEST FOR ADMISSION NO. 129:

The bacteria present in Oklahoma's streams are not dangerous

III. CAUSATION/OTHER POTENTIAL SOURCES OF ALLEGED "HAZARDOUS SUBSTANCES"

REQUEST FOR ADMISSION NO. 130:

Plaintiff has no evidence of how much poultry litter has been applied to pastures in Oklahoma in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 131:

Plaintiff has no evidence of how much poultry litter has been applied to pastures in Arkansas in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 132:

There are fewer than 1,800 poultry houses currently being used to raise poultry in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 133:

One or more poultry houses located in the Illinois River Watershed are not currently being used to raise poultry.

REQUEST FOR ADMISSION NO. 134:

Plaintiff has stated that 462 poultry houses are currently being used to raise poultry in the portion of the Illinois River Watershed located in Oklahoma.

REQUEST FOR ADMISSION NO. 135:

Approximately 462 poultry houses are currently being used to raise poultry in the portion of the Illinois River Watershed located in Oklahoma.

REQUEST FOR ADMISSION NO. 136:

Approximately 1,338 of the poultry houses currently being used to raise poultry in the Illinois River Watershed are located in Arkansas.

REQUEST FOR ADMISSION NO. 137:

Plaintiff has stated that, in 2002, the estimated total company-owned or contract poultry houses located within the Illinois River Watershed included approximately 2,363 houses in Arkansas and 508 houses in Oklahoma.

REQUEST FOR ADMISSION NO. 138:

In 2002, the estimated total company-owned or contract poultry houses located within the Illinois River Watershed included approximately 2,363 houses in Arkansas and 508 houses in Oklahoma.

REQUEST FOR ADMISSION NO. 139:

Less than 30% of the poultry houses currently being used to raise poultry in the Illinois River Watershed are located in Oklahoma.

REQUEST FOR ADMISSION NO. 140:

On behalf of Plaintiff, the Oklahoma Attorney General's counsel has testified that the overwhelming majority of poultry houses within the Illinois River Watershed are located outside the boundaries of Oklahoma and are beyond the regulatory authority of the Oklahoma Department of Agriculture, Food and Forestry ("ODAFF").

REQUEST FOR ADMISSION NO. 141:

The majority of poultry houses within the Illinois River Watershed are located outside the boundaries of Oklahoma and are beyond the regulatory authority of ODAFF.

REQUEST FOR ADMISSION NO. 142:

There are numerous sources that contribute elemental phosphorus to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 143:

There are numerous sources that contribute phosphorus compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 144:

There are numerous sources that contribute elemental nitrogen to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 145:

There are numerous sources that contribute nitrogen compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 146:

There are numerous sources that contribute elemental arsenic to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 147:

There are numerous sources that contribute arsenic compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 148:

There are numerous sources that contribute elemental zinc to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 149:

There are numerous sources that contribute zinc compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 150:

There are numerous sources that contribute elemental copper to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 151:

There are numerous sources that contribute copper compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 152:

There are numerous sources that contribute hormones to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 153:

There are numerous sources that contribute microbial pathogens to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 154:

Plaintiff has stated that 195,314 people lived in the Illinois River Watershed in 2000.

REQUEST FOR ADMISSION NO. 155:

195,314 people lived in the Illinois River Watershed in 2000.

REQUEST FOR ADMISSION NO. 156:

Waste water treatment plants ("WWTPs") contribute phosphorus to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 157:

WWTPs contribute phosphorus compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 158:

WWTPs contribute elemental nitrogen to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 159:

WWTPs contribute nitrogen compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 160:

WWTPs contribute elemental arsenic to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 161:

WWTPs contribute arsenic compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 162:

WWTPs contribute elemental zinc to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 163:

WWTPs contribute zinc compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 164:

WWTPs contribute elemental copper to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 165:

WWTPs contribute copper compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 166:

WWTPs contribute hormones to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 167:

WWTPs contribute microbial pathogens to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 168:

There are at least eight WWTPs currently operating within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 169:

There are at least three WWTPs currently operating in Oklahoma and within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 170:

The WWTPs currently operating within the Illinois River Watershed are point sources.

REQUEST FOR ADMISSION NO. 171:

The Tahlequah Public Works Authority currently operates a WWTP in Oklahoma and within the Illinois River Watershed (the "Tahlequah, Oklahoma WWTP").

REQUEST FOR ADMISSION NO. 172:

The Tahlequah, Oklahoma WWTP contributes elemental phosphorus to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 173:

The Tahlequah, Oklahoma WWTP contributes phosphorus compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 174:

The Tahlequah, Oklahoma WWTP contributes elemental nitrogen to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 175:

The Tahlequah, Oklahoma WWTP contributes nitrogen compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 176:

The Tahlequah, Oklahoma WWTP contributes elemental arsenic to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 177:

The Tahlequah, Oklahoma WWTP contributes arsenic compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 178:

The Tahlequah, Oklahoma WWTP contributes elemental zinc to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 179:

The Tahlequah, Oklahoma WWTP contributes zinc compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 180:

The Tahlequah, Oklahoma WWTP contributes elemental copper to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 181:

The Tahlequah, Oklahoma WWTP contributes copper compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 182:

The Tahlequah, Oklahoma WWTP contributes hormones to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 183:

The Tahlequah, Oklahoma WWTP contributes microbial pathogens to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 184:

The Stilwell Area Development Authority currently operates a WWTP in Oklahoma and within the Illinois River Watershed (the "Stilwell, Oklahoma WWTP").

REQUEST FOR ADMISSION NO. 185:

The Stilwell, Oklahoma WWTP contributes elemental phosphorus to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 186:

The Stilwell, Oklahoma WWTP contributes phosphorus compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 187:

The Stilwell, Oklahoma WWTP contributes elemental nitrogen to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 188:

The Stilwell, Oklahoma WWTP contributes nitrogen compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 189:

The Stilwell, Oklahoma WWTP contributes elemental arsenic to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 190:

The Stilwell, Oklahoma WWTP contributes arsenic compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 191:

The Stilwell, Oklahoma WWTP contributes elemental zinc to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 192:

The Stilwell, Oklahoma WWTP contributes zinc compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 193:

The Stilwell, Oklahoma WWTP contributes elemental copper to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 194:

The Stilwell, Oklahoma WWTP contributes copper compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 195:

The Stilwell, Oklahoma WWTP contributes hormones to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 196:

The Stilwell, Oklahoma WWTP contributes microbial pathogens to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 197:

The Westville Utility Authority currently operates a WWTP in Oklahoma and within the Illinois River Watershed (the "Westville, Oklahoma WWTP").

REQUEST FOR ADMISSION NO. 198:

The Westville, Oklahoma WWTP contributes elemental phosphorus to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 199:

The Westville, Oklahoma WWTP contributes phosphorus compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 200:

The Westville, Oklahoma WWTP contributes elemental nitrogen to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 201:

The Westville, Oklahoma WWTP contributes nitrogen compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 202:

The Westville, Oklahoma WWTP contributes elemental arsenic to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 203:

The Westville, Oklahoma WWTP contributes arsenic compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 204:

The Westville, Oklahoma WWTP contributes elemental zinc to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 205:

The Westville, Oklahoma WWTP contributes zinc compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 206:

The Westville, Oklahoma WWTP contributes elemental copper to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 207:

The Westville, Oklahoma WWTP contributes copper compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 208:

The Westville, Oklahoma WWTP contributes hormones to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 209:

The Westville, Oklahoma WWTP contributes microbial pathogens to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 210:

The town of Watts, Oklahoma has discharged untreated sewage directly into the streams of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 211:

Plaintiff has encouraged the town of Watts, Oklahoma to upgrade its sewage treatment system.

REQUEST FOR ADMISSION NO. 212:

Sewage ponds owned or maintained by the town of Watts, Oklahoma have overflowed during storms and discharged sewage into the streams of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 213:

Sewage ponds owned or maintained by cities or towns other than Watts, Oklahoma have overflowed during storms and discharged sewage into the streams of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 214:

There are more than 70,000 septic systems in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 215:

Some septic systems leak.

REQUEST FOR ADMISSION NO. 216:

Septic systems contribute elemental phosphorus to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 217:

Septic systems contribute phosphorus compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 218:

Septic systems contribute elemental nitrogen to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 219:

Septic systems contribute nitrogen compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 220:

Septic systems contribute elemental arsenic to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 221:

Septic systems contribute arsenic compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 222:

Septic systems contribute elemental zinc to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 223:

Septic systems contribute zinc compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 224:

Septic systems contribute elemental copper to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 225:

Septic systems contribute copper compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 226:

Septic systems contribute hormones to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 227:

Septic systems contribute microbial pathogens to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 228:

Running water tends to erode rocks and soils with which it comes in contact.

REQUEST FOR ADMISSION NO. 229:

Portions of the stream banks within the Illinois River Watershed have eroded over the past 50 years.

REQUEST FOR ADMISSION NO. 230:

Stream bank erosion contributes elemental phosphorus to surface waters within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 231:

Stream bank erosion contributes phosphorus compounds to surface waters within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 232:

Stream bank erosion contributes elemental nitrogen to surface waters within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 233:

Stream bank erosion contributes nitrogen compounds to surface waters within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 234:

Stream bank erosion contributes elemental arsenic to surface waters within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 235:

Stream bank erosion contributes arsenic compounds to surface waters within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 236:

Stream bank erosion contributes elemental zinc to surface waters within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 237:

Stream bank erosion contributes zinc compounds to surface waters within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 238:

Stream bank erosion contributes elemental copper to surface waters within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 239:

Stream bank erosion contributes copper compounds to surface waters within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 240:

Stream bank erosion contributes hormones to surface waters within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 241:

Stream bank erosion contributes microbial pathogens to surface waters within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 242:

Stream bank erosion has caused environmental degradation within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 243:

Stream bank erosion is currently causing environmental degradation within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 244:

The removal of trees and other vegetation from stream banks has caused increased stream bank erosion within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 245:

The removal of trees and other vegetation from fields adjacent to streams has caused increased stream bank erosion within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 246:

The construction of buildings, roads, and parking lots within the Illinois River Watershed has caused increased stream bank erosion within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 247:

Allowing cattle to access streams tends to increase erosion of the stream's banks.

REQUEST FOR ADMISSION NO. 248:

Allowing livestock other than cattle to access streams tends to increase erosion of the stream's banks.

REQUEST FOR ADMISSION NO. 249:

Cattle have caused stream bank erosion within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 250:

Livestock other than cattle have caused stream bank erosion within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 251:

Cattle have caused an increase in the rate of stream bank erosion within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 252:

Livestock other than cattle have caused stream bank erosion within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 253:

Plaintiff has stated that the most polluted streams in Oklahoma are in western Oklahoma where free-roaming cattle access streams.

REQUEST FOR ADMISSION NO. 254:

The most polluted streams in Oklahoma are in western Oklahoma where free-roaming cattle access streams.

REQUEST FOR ADMISSION NO. 255:

Livestock other than cattle have caused environmental degradation within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 256:

For each 1,000 pounds of beef cattle, between 50 and 60 pounds of manure and urine is produced per day.

REQUEST FOR ADMISSION NO. 257:

For each 1,000 pounds of lactating dairy cattle, between 70 and 80 pounds of manure and urine is produced per day.

REQUEST FOR ADMISSION NO. 258:

Each ton of cattle manure contains more than 23 lbs of elemental nitrogen.

REQUEST FOR ADMISSION NO. 259:

Each ton of cattle manure contains more than 24 lbs of the compound P_2O_5.

REQUEST FOR ADMISSION NO. 260:

Cattle manure is used as a fertilizer within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 261:

Cattle manure is used as a soil amendment within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 262:

Cattle manure is spread on land within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 263:

Plaintiff has spread cattle manure on land within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 264:

Cattle manure is bought, sold and bartered within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 265:

Plaintiff has purchased cattle manure within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 266:

Manure from livestock other than cattle or poultry is used as a fertilizer within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 267:

Manure from livestock other than cattle or poultry is used as a soil amendment within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 268:

Manure from livestock other than cattle or poultry is spread on land within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 269:

Manure from livestock other than cattle or poultry is bought, sold and bartered within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 270:

Cattle and other livestock sometimes defecate and urinate directly into streams within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 271:

Wildlife (including birds) sometimes defecate and urinate directly into streams within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 272:

An adult Canada goose produces in a 24-hour period about as much fecal matter as one adult human being.

REQUEST FOR ADMISSION NO. 273:

Cattle manure contributes elemental phosphorus to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 274:

Cattle manure contributes phosphorus compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 275:

Cattle manure contributes elemental nitrogen to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 276:

Cattle manure contributes nitrogen compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 277:

Cattle manure contributes elemental arsenic to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 278:

Cattle manure contributes arsenic compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 279:

Cattle manure contributes elemental zinc to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 280:

Cattle manure contributes zinc compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 281:

Cattle manure contributes elemental copper to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 282:

Cattle manure contributes copper compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 283:

Cattle manure contributes hormones to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 284:

Cattle manure contributes microbial pathogens to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 285:

Cattle manure contributes more elemental phosphorus to the environment of the Illinois River Watershed than poultry litter.

REQUEST FOR ADMISSION NO. 286:

Cattle manure contributes more phosphorus compounds to the environment of the Illinois River Watershed than poultry litter.

REQUEST FOR ADMISSION NO. 287:

Cattle manure contributes more elemental nitrogen to the environment of the Illinois River Watershed than poultry litter.

REQUEST FOR ADMISSION NO. 288:

Cattle manure contributes more nitrogen compounds to the environment of the Illinois River Watershed than poultry litter.

REQUEST FOR ADMISSION NO. 289:

Cattle manure contributes more elemental arsenic to the environment of the Illinois River Watershed than poultry litter.

REQUEST FOR ADMISSION NO. 290:

Cattle manure contributes more arsenic compounds to the environment of the Illinois River Watershed than poultry litter.

REQUEST FOR ADMISSION NO. 291:

Cattle manure contributes more elemental zinc to the environment of the Illinois River Watershed than poultry litter.

REQUEST FOR ADMISSION NO. 292:

Cattle manure contributes more zinc compounds to the environment of the Illinois River Watershed than poultry litter.

REQUEST FOR ADMISSION NO. 293:

Cattle manure contributes more elemental copper to the environment of the Illinois River Watershed than poultry litter.

REQUEST FOR ADMISSION NO. 294:

Cattle manure contributes more copper compounds to the environment of the Illinois River Watershed than poultry litter.

REQUEST FOR ADMISSION NO. 295:

Cattle manure contributes more hormones to the environment of the Illinois River Watershed than poultry litter.

REQUEST FOR ADMISSION NO. 296:

Cattle manure contributes more microbial pathogens to the environment of the Illinois River Watershed than poultry litter.

REQUEST FOR ADMISSION NO. 297:

Manure from livestock other than cattle contributes elemental phosphorus to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 298:

Manure from livestock other than cattle contributes phosphorus compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 299:

Manure from livestock other than cattle contributes elemental nitrogen to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 300:

Manure from livestock other than cattle contributes nitrogen compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 301:

Manure from livestock other than cattle contributes elemental arsenic to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 302:

Manure from livestock other than cattle contributes arsenic compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 303:

Manure from livestock other than cattle contributes elemental zinc to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 304:

Manure from livestock other than cattle contributes zinc compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 305:

Manure from livestock other than cattle contributes elemental copper to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 306:

Manure from livestock other than cattle contributes copper compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 307:

Manure from livestock other than cattle contributes hormones to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 308:

Manure from livestock other than cattle contributes microbial pathogens to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 309:

Manure from wildlife contributes elemental phosphorus to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 310:

Manure from wildlife contributes phosphorus compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 311:

Manure from wildlife contributes elemental nitrogen to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 312:

Manure from wildlife contributes nitrogen compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 313:

Manure from wildlife contributes elemental arsenic to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 314:

Manure from wildlife contributes arsenic compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 315:

Manure from wildlife contributes elemental zinc to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 316:

Manure from wildlife contributes zinc compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 317:

Manure from wildlife contributes elemental copper to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 318:

Manure from wildlife contributes copper compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 319:

Manure from wildlife contributes hormones to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 320:

Manure from wildlife contributes microbial pathogens to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 321:

The streams and lands of the Illinois River Watershed are used for tourism and recreation.

REQUEST FOR ADMISSION NO. 322:

Plaintiff promotes the use of the Illinois River Watershed for tourism and recreation.

REQUEST FOR ADMISSION NO. 323:

Each year more than 180,000 persons float the Illinois River by canoe, raft or kayak.

REQUEST FOR ADMISSION NO. 324:

Each year more than 300,000 persons swim, fish, camp, hike, bird-watch, and hunt in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 325:

Humans sometimes defecate directly into streams within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 326:

Humans sometimes urinate directly into streams within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 327:

Humans sometimes defecate on the ground adjacent to streams within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 328:

Humans sometimes urinate on the ground adjacent to streams within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 329:

Within the Illinois River Watershed, humans sometimes defecate and urinate in temporary or portable bathroom facilities and the urine and feces from those bathrooms are emptied into the environment.

REQUEST FOR ADMISSION NO. 330:

Some of the human feces from temporary or portable bathroom facilities within the Illinois River Watershed is emptied into the environment without treatment.

REQUEST FOR ADMISSION NO. 331:

Some of the human urine from temporary or portable bathroom facilities within the Illinois River Watershed is emptied into the environment without treatment.

REQUEST FOR ADMISSION NO. 332:

Plaintiff has recognized a need for more public bathrooms for tourists and recreationers within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 333:

Plaintiff has constructed or installed public bathrooms within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 334:

Plaintiff maintains public bathrooms within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 335:

Some of the human urine from public bathrooms within the Illinois River Watershed is emptied into the environment.

REQUEST FOR ADMISSION NO. 336:

Some of the human feces from public bathrooms within the Illinois River Watershed is emptied into the environment.

REQUEST FOR ADMISSION NO. 337:

Some of the human urine from public bathrooms within the Illinois River Watershed is emptied into the environment without treatment.

REQUEST FOR ADMISSION NO. 338:

Some of the human feces from public bathrooms within the Illinois River Watershed is emptied into the environment without treatment.

REQUEST FOR ADMISSION NO. 339:

Human feces contribute elemental phosphorus to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 340:

Human feces contribute phosphorus compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 341:

Human feces contribute elemental nitrogen to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 342:

Human feces contribute nitrogen compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 343:

Human feces contribute elemental arsenic to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 344:

Human feces contribute arsenic compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 345:

Human feces contribute elemental zinc to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 346:

Human feces contribute zinc compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 347:

Human feces contribute elemental copper to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 348:

Human feces contribute copper compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 349:

Human feces contribute hormones to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 350:

Human feces contribute microbial pathogens to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 351:

Human urine contributes elemental phosphorus to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 352:

Human urine contributes phosphorus compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 353:

Human urine contributes elemental nitrogen to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 354:

Human urine contributes nitrogen compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 355:

Human urine contributes elemental arsenic to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 356:

Human urine contributes arsenic compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 357:

Human urine contributes elemental zinc to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 358:

Human urine contributes zinc compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 359:

Human urine contributes elemental copper to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 360:

Human urine contributes copper compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 361:

Human urine contributes hormones to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 362:

Human urine contributes microbial pathogens to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 363:

Several types of manufactured fertilizer ("commercial fertilizer") are bought and sold within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 364:

Commercial fertilizer is applied to land within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 365:

Commercial fertilizer has been applied to lands in the Illinois River Watershed for more than 30 years.

REQUEST FOR ADMISSION NO. 366:

Some commercial fertilizer sold in the Illinois River Watershed is in liquid form.

REQUEST FOR ADMISSION NO. 367:

Liquid commercial fertilizer is applied to land within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 368:

Commercial fertilizer contributes elemental phosphorus to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 369:

Commercial fertilizer contributes phosphorus compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 370:

Commercial fertilizer contributes elemental nitrogen to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 371:

Commercial fertilizer contributes nitrogen compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 372:

Commercial fertilizer contributes elemental arsenic to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 373:

Commercial fertilizer contributes arsenic compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 374:

Commercial fertilizer contributes elemental zinc to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 375:

Commercial fertilizer contributes zinc compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 376:

Commercial fertilizer contributes elemental copper to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 377:

Commercial fertilizer contributes copper compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 378:

Commercial fertilizer contributes hormones to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 379:

The National Agricultural Statistics Service estimates that 21.3 million nutrient tons of commercial fertilizer were used in the United States in 2003.

REQUEST FOR ADMISSION NO. 380:

More than half of the elemental phosphorus applied to land in the United States comes from commercial fertilizer.

REQUEST FOR ADMISSION NO. 381:

More than half of the phosphorus compounds applied to land in the United States come from commercial fertilizer.

REQUEST FOR ADMISSION NO. 382:

More than half of the elemental nitrogen applied to land in the United States comes from commercial fertilizer.

REQUEST FOR ADMISSION NO. 383:

More than half of the nitrogen compounds applied to land in the United States come from commercial fertilizer.

REQUEST FOR ADMISSION NO. 384:

More than half of the elemental arsenic applied to land in the United States comes from commercial fertilizer.

REQUEST FOR ADMISSION NO. 385:

More than half of the arsenic compounds applied to land in the United States come from commercial fertilizer.

REQUEST FOR ADMISSION NO. 386:

More than half of the elemental zinc applied to land in the United States comes from commercial fertilizer.

REQUEST FOR ADMISSION NO. 387:

More than half of the zinc compounds applied to land in the United States come from commercial fertilizer.

REQUEST FOR ADMISSION NO. 388:

More than half of the elemental copper applied to land in the United States comes from commercial fertilizer.

REQUEST FOR ADMISSION NO. 389:

More than half of the copper compounds applied to land in the United States come from commercial fertilizer.

REQUEST FOR ADMISSION NO. 390:

More than half of the hormones applied to land in the United States come from commercial fertilizer.

REQUEST FOR ADMISSION NO. 391:

Commercial fertilizer is highly soluble.

REQUEST FOR ADMISSION NO. 392:

Most types of commercial fertilizer are highly soluble.

REQUEST FOR ADMISSION NO. 393:

Commercial fertilizer is more soluble than poultry litter.

REQUEST FOR ADMISSION NO. 394:

Most types of commercial fertilizer are more soluble than poultry litter.

REQUEST FOR ADMISSION NO. 395:

Elemental phosphorus contained in commercial fertilizer is more soluble than elemental phosphorus in poultry litter.

REQUEST FOR ADMISSION NO. 396:

Phosphorus compounds contained in commercial fertilizer are more soluble than phosphorus compounds in poultry litter.

REQUEST FOR ADMISSION NO. 397:

Elemental nitrogen contained in commercial fertilizer is more soluble than elemental nitrogen in poultry litter.

REQUEST FOR ADMISSION NO. 398:

Nitrogen compounds contained in commercial fertilizer are more soluble than nitrogen compounds in poultry litter.

REQUEST FOR ADMISSION NO. 399:

Elemental arsenic contained in commercial fertilizer is more soluble than elemental arsenic in poultry litter.

REQUEST FOR ADMISSION NO. 400:

Arsenic compounds contained in commercial fertilizer are more soluble than arsenic compounds in poultry litter.

REQUEST FOR ADMISSION NO. 401:

Elemental zinc contained in commercial fertilizer is more soluble than elemental zinc in poultry litter.

REQUEST FOR ADMISSION NO. 402:

Zinc compounds contained in commercial fertilizer are more soluble than zinc compounds in poultry litter.

REQUEST FOR ADMISSION NO. 403:

Elemental copper contained in commercial fertilizer is more water-soluble than elemental copper in poultry litter.

REQUEST FOR ADMISSION NO. 404:

Copper compounds contained in commercial fertilizer are more water-soluble than copper compounds in poultry litter.

REQUEST FOR ADMISSION NO. 405:

Hormones contained in commercial fertilizer are more water-soluble than hormones in poultry litter.

REQUEST FOR ADMISSION NO. 406:

There are two large containerized plant nurseries along the Illinois River that have released irrigation tail-water return flow enter the Illinois River.

REQUEST FOR ADMISSION NO. 407:

Plant nurseries contribute elemental phosphorus to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 408:

Plant nurseries contribute phosphorus compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 409:

Plant nurseries contribute elemental nitrogen to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 410:

Plant nurseries contribute nitrogen compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 411:

Plant nurseries contribute elemental arsenic to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 412:

Plant nurseries contribute arsenic compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 413:

Plant nurseries contribute zinc to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 414:

Plant nurseries contribute zinc compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 415:

Plant nurseries contribute elemental copper to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 416:

Plant nurseries contribute copper compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 417:

Plant nurseries contribute hormones to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 418:

Plant nurseries contribute microbial pathogens to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 419:

Plaintiff has stated that it is difficult to discern the origin of bacteria.

REQUEST FOR ADMISSION NO. 420:

It is difficult to discern the origin of bacteria.

REQUEST FOR ADMISSION NO. 421:

The Oklahoma Attorney General has stated that "the permits, the law and the regulations all state that in no event shall the application of poultry litter result in runoff to the waters, "and that is what's being violated. It's every day, but it's not intentional. The farmers aren't taking this stuff down and dumping it in the creek; they are surface-applying it to the land and it's running off because the land can only take so much."

REQUEST FOR ADMISSION NO. 422:

Any violations of permits in the land application of poultry litter by farmers is not intentional.

REQUEST FOR ADMISSION NO. 423:

Farmers are not taking poultry litter down and dumping it in the creek, they are surface-applying it to land.

REQUEST FOR ADMISSION NO. 424:

Plaintiff has estimated that 72,012 tons of poultry litter were produced in 2005 in the portion of the Illinois River Watershed located in Oklahoma.

REQUEST FOR ADMISSION NO. 425:

Plaintiff has estimated that the poultry litter produced in 2005 in the Illinois River Watershed in Oklahoma contained 1,656 tons of total nitrogen.

REQUEST FOR ADMISSION NO. 426:

Plaintiff has estimated that the poultry litter produced in 2005 in the Illinois River Watershed in Oklahoma contained 1,908 tons of the compound P_2O_5.

REQUEST FOR ADMISSION NO. 427:

Plaintiff has stated that 418,070 tons of poultry litter generated within the Illinois River Watershed each year are in excess of estimated crop needs of land application sites within the Illinois River Watershed and should be removed from the watershed.

REQUEST FOR ADMISSION NO. 428:

124,878 tons of poultry litter generated within the Illinois River Watershed each year are not in excess of estimated crop needs of land application sites within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 429:

Crops at land application sites within the Illinois River Watershed can utilize 124,878 tons of poultry litter each year.

REQUEST FOR ADMISSION NO. 430:

Plaintiff has stated that the impact of the land application poultry litter on Oklahoma's scenic rivers will vary depending on the terrain and slopes of the sites of

litter application, the proximity to the scenic rivers and the nature and conditions of the intermediate zones between the sites and the waters.

REQUEST FOR ADMISSION NO. 431:

The impact of the land application poultry litter on Oklahoma's scenic rivers will vary depending on the terrain and slopes of the sites of litter application, the proximity to the scenic rivers and the nature and conditions of the intermediate zones between the sites and the waters.

REQUEST FOR ADMISSION NO. 432:

Plaintiff has said that the impact of an instance of land application of poultry litter on Oklahoma's scenic rivers could be negligible.

REQUEST FOR ADMISSION NO. 433:

The impact of an instance of land application of poultry litter on Oklahoma's scenic rivers could be negligible.

REQUEST FOR ADMISSION NO. 434:

Plaintiff has stated that there is phosphorus runoff from towns and cities within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 435:

There is phosphorus runoff from towns and cities within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 436:

The Oklahoma Attorney General has stated that Plaintiff does not claim that poultry litter is the only source of pollution to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 437:

Plaintiff does not claim that poultry litter is the only source of pollution to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 438:

Poultry litter is not the only source of pollution to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 439:

There are other point sources of elemental phosphorus besides WWTPs to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 440:

There are other point sources of phosphorus compounds besides WWTPs to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 441:

There are other point sources of elemental nitrogen besides WWTPs to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 442:

There are other point sources of nitrogen compounds besides WWTPs to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 443:

There are other point sources of elemental arsenic besides WWTPs to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 444:

There are other point sources of arsenic compounds besides WWTPs to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 445:

There are other point sources of elemental zinc besides WWTPs to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 446:

There are other point sources of zinc compounds besides WWTPs to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 447:

There are other point sources of elemental copper besides WWTPs to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 448:

There are other point sources of copper compounds besides WWTPs to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 449:

There are other point sources of hormones besides WWTPs to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 450:

There are other point sources of microbial pathogens besides WWTPs to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 451:

Poultry houses are not point sources of elemental phosphorus, phosphorus compounds, elemental nitrogen, nitrogen compounds, elemental arsenic, arsenic compounds, elemental zinc, zinc compounds, elemental copper, copper compounds, hormones, or microbial pathogens present in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 452:

Land applications of poultry litter are not point sources of elemental phosphorus, phosphorus compounds, elemental nitrogen, nitrogen compounds, elemental arsenic, arsenic compounds, elemental zinc, zinc compounds, elemental copper, copper compounds, hormones, or microbial pathogens present in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 453:

Point sources contribute more elemental phosphorus to the Illinois River Watershed than poultry litter.

REQUEST FOR ADMISSION NO. 454:

Point sources contribute more phosphorus compounds to the Illinois River Watershed than poultry litter.

REQUEST FOR ADMISSION NO. 455:

Point sources contribute more elemental nitrogen to the Illinois River Watershed than poultry litter.

REQUEST FOR ADMISSION NO. 456:

Point sources contribute more nitrogen compounds to the Illinois River Watershed than poultry litter.

REQUEST FOR ADMISSION NO. 457:

Point sources contribute more elemental arsenic to the Illinois River Watershed than poultry litter.

REQUEST FOR ADMISSION NO. 458:

Point sources contribute more arsenic compounds to the Illinois River Watershed than poultry litter.

REQUEST FOR ADMISSION NO. 459:

Point sources contribute more elemental zinc to the Illinois River Watershed than poultry litter.

REQUEST FOR ADMISSION NO. 460:

Point sources contribute more zinc compounds to the Illinois River Watershed than poultry litter.

REQUEST FOR ADMISSION NO. 461:

Point sources contribute more elemental copper to the Illinois River Watershed than poultry litter.

REQUEST FOR ADMISSION NO. 462:

Point sources contribute more copper compounds to the Illinois River Watershed than poultry litter.

REQUEST FOR ADMISSION NO. 463:

Point sources contribute more hormones to the Illinois River Watershed than poultry litter.

REQUEST FOR ADMISSION NO. 464:

Point sources contribute more microbial pathogens to the Illinois River Watershed than poultry litter.

REQUEST FOR ADMISSION NO. 465:

Point sources contribute at least 35% of the elemental phosphorus that is contributed to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 466:

Point sources contribute at least 35% of the phosphorus compounds that are contributed to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 467:

Point sources contribute at least 35% of the elemental nitrogen that is contributed to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 468:

Point sources contribute at least 35% of the nitrogen compounds that are contributed to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 469:

Point sources contribute at least 35% of the elemental arsenic that is contributed to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 470:

Point sources contribute at least 35% of the arsenic compounds that are contributed to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 471:

Point sources contribute at least 35% of the elemental zinc that is contributed to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 472:

Point sources contribute at least 35% of the zinc compounds that are contributed to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 473:

Point sources contribute at least 35% of the elemental copper that is contributed to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 474:

Point sources contribute at least 35% of the copper compounds that are contributed to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 475:

Point sources contribute at least 35% of the hormones that are contributed to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 476:

Point sources contribute at least 35% of the microbial pathogens that are contributed to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 477:

Non-point sources other than poultry litter contribute at least 50% of the elemental phosphorus that is contributed to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 478:

Non-point sources other than poultry litter contribute at least 50% of the phosphorus compounds that are contributed to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 479:

Non-point sources other than poultry litter contribute at least 50% of the elemental nitrogen that is contributed to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 480:

Non-point sources other than poultry litter contribute at least 50% of nitrogen compounds that are contributed to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 481:

Non-point sources other than poultry litter contribute at least 50% of the elemental arsenic that is contributed to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 482:

Non-point sources other than poultry litter contribute at least 50% of the arsenic compounds that are contributed to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 483:

Non-point sources other than poultry litter contribute at least 50% of the elemental zinc that is contributed to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 484:

Non-point sources other than poultry litter contribute at least 50% of the zinc compounds that are contributed to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 485:

Non-point sources other than poultry litter contribute at least 50% of the elemental copper that is contributed to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 486:

Non-point sources other than poultry litter contribute at least 50% of the copper compounds that are contributed to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 487:

Non-point sources other than poultry litter contribute at least 50% of the hormones that are contributed to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 488:

Non-point sources other than poultry litter contribute at least 50% of the microbial pathogens that are contributed to the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 489:

Poultry litter has not impacted every parcel of land in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 490:

Poultry litter has not impacted every parcel of land in the Illinois River Watershed in Arkansas.

REQUEST FOR ADMISSION NO. 491:

Poultry litter has not impacted every parcel of land in the Illinois River Watershed in Oklahoma.

REQUEST FOR ADMISSION NO. 492:

Poultry litter has not been deposited on every parcel of land in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 493:

Poultry litter has not been deposited on every parcel of land in the Illinois River Watershed in Arkansas.

REQUEST FOR ADMISSION NO. 494:

Poultry litter has not been deposited on every parcel of land in the Illinois River Watershed in Oklahoma.

REQUEST FOR ADMISSION NO. 495:

Poultry litter has not been stored on every parcel of land in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 496:

Poultry litter has not been stored on every parcel of land in the Illinois River Watershed in Arkansas.

REQUEST FOR ADMISSION NO. 497:

Poultry litter has not been stored on every parcel of land in the Illinois River Watershed in Oklahoma.

REQUEST FOR ADMISSION NO. 498:

Poultry litter has not been placed on every parcel of land in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 499:

Poultry litter has not been placed on every parcel of land in the Illinois River Watershed in Arkansas.

REQUEST FOR ADMISSION NO. 500:

Poultry litter has not been placed on every parcel of land in the Illinois River Watershed in Oklahoma.

REQUEST FOR ADMISSION NO. 501:

Poultry litter has not come to be located on every parcel of land in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 502:

Poultry litter has not come to be located on every parcel of land in the Illinois River Watershed in Arkansas.

REQUEST FOR ADMISSION NO. 503:

Poultry litter has not come to be located on every parcel of land in the Illinois River Watershed in Oklahoma.

REQUEST FOR ADMISSION NO. 504:

Constituents from poultry litter have not come to be located on every parcel of land in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 505:

Constituents from poultry litter have not come to be located on every parcel of land in the Illinois River Watershed in Arkansas.

REQUEST FOR ADMISSION NO. 506:

Constituents from poultry litter have not come to be located on every parcel of land in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 507:

Constituents from poultry litter have not come to be located on every parcel of land in the Illinois River Watershed in Arkansas.

REQUEST FOR ADMISSION NO. 508:

Constituents from poultry litter have not come to be located on every parcel of land in the Illinois River Watershed in Oklahoma.

REQUEST FOR ADMISSION NO. 509:

When a river is impounded, the impounded water collects nutrients and sediments that are flowing in the water.

REQUEST FOR ADMISSION NO. 510:

All impounded rivers eutrophicate over time.

REQUEST FOR ADMISSION NO. 511:

Most impounded rivers eutrophicate over time.

REQUEST FOR ADMISSION NO. 512:

In the United States, all impounded rivers have eutrophicated over time.

REQUEST FOR ADMISSION NO. 513:

In the United States, most impounded rivers have eutrophicated over time.

REQUEST FOR ADMISSION NO. 514:

The Illinois River is impounded by Tenkiller Ferry Dam.

REQUEST FOR ADMISSION NO. 515:

Tenkiller Ferry Dam created Tenkiller Ferry Reservoir.

REQUEST FOR ADMISSION NO. 516:

Flint Creek is a tributary of the Illinois River and is part of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 517:

Flint Creek is impounded in two places: (1) a small narrow reservoir located near the New Hope Ranch Youth Camp; and (2) an impoundment located outside the town of Flint on US Highway 412.

REQUEST FOR ADMISSION NO. 518:

EPC is a function of, *inter alia*, the solubility of the elemental phosphorus in a water body.

REQUEST FOR ADMISSION NO. 519:

EPC is a function of, *inter alia*, the solubility of the phosphorus compounds in a water body.

REQUEST FOR ADMISSION NO. 520:

EPC of the Illinois River Watershed is a function of, *inter alia*, the solubility of elemental phosphorus in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 521:

EPC of the Illinois River Watershed is a function of, *inter alia*, the solubility of phosphorus compounds in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 522:

Plaintiff has no evidence that any specific source of elemental phosphorus has caused any water body in the Illinois River Watershed to exceed its EPC.

REQUEST FOR ADMISSION NO. 523:

Plaintiff has no evidence that any specific source of phosphorus compounds has caused any water body in the Illinois River to exceed its EPC.

REQUEST FOR ADMISSION NO. 524:

Plaintiff has no evidence that any particular poultry litter application has caused any water body in the Illinois River Watershed to exceed its EPC.

REQUEST FOR ADMISSION NO. 525:

Plaintiff has no evidence that particular poultry litter application by any poultry grower who grew poultry under contract with the Tyson companies has caused any part of the Illinois River Watershed to exceed its EPC.

REQUEST FOR ADMISSION NO. 526:

Elemental phosphorus from poultry litter is less soluble than elemental phosphorus from WWTPs.

REQUEST FOR ADMISSION NO. 527:

Phosphorus compounds from poultry litter are less soluble than phosphorus compounds from WWTPs.

REQUEST FOR ADMISSION NO. 528:

Elemental phosphorus with low solubility often attaches to particulates which settle in the sediment of a water bed.

REQUEST FOR ADMISSION NO. 529:

Elemental phosphorus with high solubility is often present in the water column of a water body.

REQUEST FOR ADMISSION NO. 530:

Phosphorus compounds with low solubility often attach to particulates which settle in the sediment of a water bed.

REQUEST FOR ADMISSION NO. 531:

Phosphorus compounds with high solubility are often present in the water column of a water body.

REQUEST FOR ADMISSION NO. 532:

The EPC of a water body is dependant on the supply of elemental phosphorus to a water body.

REQUEST FOR ADMISSION NO. 533:

The EPC of a water body is dependant on the supply of phosphorus compounds to a water body.

REQUEST FOR ADMISSION NO. 534:

Elemental phosphorus in the sediment of a water body is released only when the elemental phosphorus concentration in the water column is lower than the EPC for the water body.

REQUEST FOR ADMISSION NO. 535:

Phosphorus compounds in the sediment of a water body are released only when the phosphorus compound concentration in the water body is lower than the EPC for the water body.

REQUEST FOR ADMISSION NO. 536:

Sediments in a water body will absorb elemental phosphorus from the water column when the elemental phosphorus concentration of the water body is greater than the EPC for the water body.

REQUEST FOR ADMISSION NO. 537:

Sediments in a water body will absorb phosphorus compounds from the water column when the phosphorus compound concentration of the water body is greater than the EPC for the water body.

REQUEST FOR ADMISSION NO. 538:

It is impossible for elemental phosphorus in the sediment of a water body to cause the EPC of the water body to be exceeded.

REQUEST FOR ADMISSION NO. 539:

It is impossible for phosphorus compounds in the sediment of a water body to cause the EPC of the water body to be exceeded.

REQUEST FOR ADMISSION NO. 540:

The United States Corps of Engineers' management of Tenkiller Ferry Lake affects the quality of water in Tenkiller Ferry Lake.

REQUEST FOR ADMISSION NO. 541:

The Oklahoma Attorney General's counsel has stated that the issue of how to show the fate and transport of nutrients is complicated, and is not a simple matter of finding phosphorus in poultry houses, fields and water because there are all sorts of other sources of that phosphorus.

REQUEST FOR ADMISSION NO. 542:

The issue of how to show the fate and transport of nutrients is complicated, and is not a simple matter of finding phosphorus in poultry houses, fields and water because there are all sorts of other sources of that phosphorus.

REQUEST FOR ADMISSION NO. 543:

Plaintiff has encouraged Westville, Oklahoma to improve its wastewater treatment facilities for years.

REQUEST FOR ADMISSION NO. 544:

One or more WWTPs have dumped the waste from their waste water treatment ponds into streams within the Illinois River Watershed without full treatment of that water during storm events.

REQUEST FOR ADMISSION NO. 545:

When WWTPs dump the waste from their waste water treatment ponds into streams within the Illinois River Watershed without full treatment of that water during storm events, such dumping increases bacteria levels in the stream.

IV. PLAINTIFF'S ALLEGATION THAT DEFENDANTS ARE LIABLE FOR THE ACTIONS OF POULTRY PRODUCERS

REQUEST FOR ADMISSION NO. 546:

One or more poultry producers perform services for the Tyson companies pursuant to written contracts.

REQUEST FOR ADMISSION NO. 547:

All poultry producers who perform services for the Tyson companies in this case do so pursuant to written contracts.

REQUEST FOR ADMISSION NO. 548:

Some poultry producers who perform services for the Tyson companies in this case do so pursuant to written contracts.

REQUEST FOR ADMISSION NO. 549:

Plaintiff does not contend that the contracts between poultry producers and the Tyson companies are invalid.

REQUEST FOR ADMISSION NO. 550:

The contracts between poultry producers and the Tyson companies do not call for the performance of any illegal activity.

REQUEST FOR ADMISSION NO. 551:

Plaintiff has no evidence of how much poultry litter from poultry growers who grow poultry under contract with the Tyson companies has been applied to pastures in Oklahoma in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 552:

Plaintiff has no evidence of how much poultry litter from poultry growers who grow poultry under contract with the Tyson companies has been applied to pastures in Arkansas in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 553:

Plaintiff has no evidence of how much elemental phosphorus from poultry litter is in the surface water, ground water, soil, or sediments in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 554:

Plaintiff has no evidence of how much phosphorus compounds from poultry litter are in the surface water, ground water, soil, or sediments in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 555:

Plaintiff has no evidence of how much elemental nitrogen from poultry litter is in the surface water, ground water, soil, or sediments in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 556:

Plaintiff has no evidence of how much nitrogen compounds from poultry litter are in the surface water, ground water, soil, or sediments in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 557:

Plaintiff has no evidence of how much elemental arsenic from poultry litter is in the surface water, ground water, soil, or sediments in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 558:

Plaintiff has no evidence of how much arsenic compounds from poultry litter are in the surface water, ground water, soil, or sediments in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 559:

Plaintiff has no evidence of how much elemental zinc from poultry litter is in the surface water, ground water, soil, or sediments in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 560:

Plaintiff has no evidence of how much zinc compounds from poultry litter are in the surface water, ground water, soil, or sediments in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 561:

Plaintiff has no evidence of how much elemental copper from poultry litter is in the surface water, ground water, soil, or sediments in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 562:

Plaintiff has no evidence of how much copper compounds from poultry litter are in the surface water, ground water, soil, or sediments in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 563:

Plaintiff has no evidence of how much hormones from poultry litter are in the surface water, ground water, soil, or sediments in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 564:

Plaintiff has no evidence of how much microbial pathogens from poultry litter are in the surface water, ground water, soil, or sediments in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 565:

Plaintiff has no evidence of how much elemental phosphorus in the environment of the Illinois River Watershed came from poultry houses that grow poultry under contract with the Tyson companies.

REQUEST FOR ADMISSION NO. 566:

Plaintiff has no evidence of how much phosphorus compounds in the environment of the Illinois River Watershed came from poultry houses that grow poultry under contract with the Tyson companies.

REQUEST FOR ADMISSION NO. 567:

Plaintiff has no evidence of how much elemental nitrogen in the environment of the Illinois River Watershed came from poultry houses that grow poultry under contract with the Tyson companies.

REQUEST FOR ADMISSION NO. 568:

Plaintiff has no evidence of how much nitrogen compounds in the environment of the Illinois River Watershed came from poultry houses that grow poultry under contract with the Tyson companies.

REQUEST FOR ADMISSION NO. 569:

Plaintiff has no evidence of how much elemental arsenic in the environment of the Illinois River Watershed came from poultry houses that grow poultry under contract with the Tyson companies.

REQUEST FOR ADMISSION NO. 570:

Plaintiff has no evidence of how much arsenic compounds in the environment of the Illinois River Watershed came from poultry houses that grow poultry under contract with the Tyson companies.

REQUEST FOR ADMISSION NO. 571:

Plaintiff has no evidence of how much elemental zinc in the environment of the Illinois River Watershed came from poultry houses that grow poultry under contract with the Tyson companies.

REQUEST FOR ADMISSION NO. 572:

Plaintiff has no evidence of how much zinc compounds in the environment of the Illinois River Watershed came from poultry houses that grow poultry under contract with the Tyson companies.

REQUEST FOR ADMISSION NO. 573:

Plaintiff has no evidence of how much elemental copper in the environment of the Illinois River Watershed came from poultry houses that grow poultry under contract with the Tyson companies.

REQUEST FOR ADMISSION NO. 574:

Plaintiff has no evidence of how much copper compounds in the environment of the Illinois River Watershed came from poultry houses that grow poultry under contract with the Tyson companies.

REQUEST FOR ADMISSION NO. 575:

Plaintiff has no evidence of how much hormones in the environment of the Illinois River Watershed came from poultry houses that grow poultry under contract with the Tyson companies.

REQUEST FOR ADMISSION NO. 576:

Plaintiff has no evidence of how much microbial pathogens in the environment of the Illinois River Watershed came from poultry houses that grow poultry under contract with the Tyson companies.

REQUEST FOR ADMISSION NO. 577:

Plaintiff has no evidence that any elemental phosphorus from poultry houses is in the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 578:

Plaintiff has no evidence that any phosphorus compounds from poultry houses are in the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 579:

Plaintiff has no evidence that any elemental nitrogen from poultry houses is in the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 580:

Plaintiff has no evidence that any nitrogen compounds from poultry houses are in the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 581:

Plaintiff has no evidence that any elemental arsenic from poultry houses is in the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 582:

Plaintiff has no evidence that any arsenic compounds from poultry houses are in the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 583:

Plaintiff has no evidence that any elemental zinc from poultry houses is in the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 584:

Plaintiff has no evidence that any zinc compounds from poultry houses are in the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 585:

Plaintiff has no evidence that any elemental copper from poultry houses is in the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 586:

Plaintiff has no evidence that any copper compounds from poultry houses are in the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 587:

Plaintiff has no evidence that any hormones from poultry houses are in the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 588:

Plaintiff has no evidence that any microbial pathogens from poultry houses are in the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 589:

Plaintiff has no evidence that poultry houses that grow poultry under contract with the Tyson companies have contributed elemental phosphorus to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 590:

Plaintiff has no evidence that poultry houses that grow poultry under contract with the Tyson companies have contributed phosphorus compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 591:

Plaintiff has no evidence that poultry houses that grow poultry under contract with the Tyson companies have contributed elemental nitrogen to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 592:

Plaintiff has no evidence that poultry houses that grow poultry under contract with the Tyson companies have contributed nitrogen compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 593:

Plaintiff has no evidence that poultry houses that grow poultry under contract with the Tyson companies have contributed elemental arsenic to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 594:

Plaintiff has no evidence that poultry houses that grow poultry under contract with the Tyson companies have contributed arsenic compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 595:

Plaintiff has no evidence that poultry houses that grow poultry under contract with the Tyson companies have contributed elemental zinc to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 596:

Plaintiff has no evidence that poultry houses that grow poultry under contract with the Tyson companies have contributed zinc compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 597:

Plaintiff has no evidence that poultry houses that grow poultry under contract with the Tyson companies have contributed elemental copper to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 598:

Plaintiff has no evidence that poultry houses that grow poultry under contract with the Tyson companies have contributed copper compounds to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 599:

Plaintiff has no evidence that poultry houses that grow poultry under contract with the Tyson companies have contributed hormones to the environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 600:

Plaintiff has no evidence that poultry houses that grow poultry under contract with the Tyson companies have contributed microbial pathogens to environment of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 601:

Of the total amount of elemental phosphorus contributed to the Illinois River Watershed, Plaintiff has no evidence what percentage comes from poultry houses that grow poultry under contract with the Tyson companies.

REQUEST FOR ADMISSION NO. 602:

Of the total amount of phosphorus compounds contributed to the Illinois River Watershed, Plaintiff has no evidence what percentage comes from poultry houses that grow poultry under contract with the Tyson companies.

REQUEST FOR ADMISSION NO. 603:

Of the total amount of elemental nitrogen contributed to the Illinois River Watershed, Plaintiff has no evidence what percentage comes from poultry houses that grow poultry under contract with the Tyson companies.

REQUEST FOR ADMISSION NO. 604:

Of the total amount of nitrogen compounds contributed to the Illinois River Watershed, Plaintiff has no evidence what percentage comes from poultry houses that grow poultry under contract with the Tyson companies.

REQUEST FOR ADMISSION NO. 605:

Of the total amount of elemental arsenic contributed to the Illinois River Watershed, Plaintiff has no evidence what percentage comes from poultry houses that grow poultry under contract with the Tyson companies.

REQUEST FOR ADMISSION NO. 606:

Of the total amount of arsenic compounds contributed to the Illinois River Watershed, Plaintiff has no evidence what percentage comes from poultry houses that grow poultry under contract with the Tyson companies.

REQUEST FOR ADMISSION NO. 607:

Of the total amount of elemental zinc contributed to the Illinois River Watershed, Plaintiff has no evidence what percentage comes from poultry houses that grow poultry under contract with the Tyson companies.

REQUEST FOR ADMISSION NO. 608:

Of the total amount of zinc compounds contributed to the Illinois River Watershed, Plaintiff has no evidence what percentage comes from poultry houses that grow poultry under contract with the Tyson companies.

REQUEST FOR ADMISSION NO. 609:

Of the total amount of elemental copper contributed to the Illinois River Watershed, Plaintiff has no evidence what percentage comes from poultry houses that grow poultry under contract with the Tyson companies.

REQUEST FOR ADMISSION NO. 610:

Of the total amount of copper compounds contributed to the Illinois River Watershed, Plaintiff has no evidence what percentage comes from poultry houses that grow poultry under contract with the Tyson companies.

REQUEST FOR ADMISSION NO. 611:

Of the total amount of hormones contributed to the Illinois River Watershed, Plaintiff has no evidence what percentage comes from poultry houses that grow poultry under contract with the Tyson companies.

REQUEST FOR ADMISSION NO. 612:

Of the total amount of microbial pathogens contributed to the Illinois River Watershed, Plaintiff has no evidence what percentage comes from poultry houses that grow poultry under contract with the Tyson companies.

REQUEST FOR ADMISSION NO. 613:

Plaintiff has no evidence of the run off of poultry litter from specific poultry growers under contract with the Tyson companies in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 614:

Plaintiff has no evidence of the run off of the constituents of poultry litter from specific poultry growers under contract with the Tyson companies in the Illinois River Watershed.

V. PLAINTIFF'S STATUS AS A CONTRIBUTOR OR ARRANGER OF ALLEGED "HAZARDOUS WASTES"

REQUEST FOR ADMISSION NO. 615:

Plaintiff owns land in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 616:

Plaintiff leases land in the Illinois River Watershed from others.

REQUEST FOR ADMISSION NO. 617:

Plaintiff leases land in the Illinois River Watershed to others.

REQUEST FOR ADMISSION NO. 618:

Plaintiff owns or operates parks in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 619:

Plaintiff owns or operates sewage lagoons in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 620:

Plaintiff owns or operates underground storage tanks in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 621:

Poultry litter has been used as fertilizer on lands owned by the State of Oklahoma in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 622:

Plaintiff has land-applied poultry litter in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 623:

Herbicides have been used on lands owned by the State of Oklahoma in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 624:

Plaintiff has applied herbicides in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 625:

Pesticides have been used on lands owned by the State of Oklahoma in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 626:

Plaintiff has applied pesticides in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 627:

Lands owned by the State of Oklahoma in the Illinois River Watershed have been used to raise cattle.

REQUEST FOR ADMISSION NO. 628:

The State of Oklahoma does not have a comprehensive regulatory program governing commercial fertilizer application.

REQUEST FOR ADMISSION NO. 629:

Plaintiff has purchased commercial fertilizer.

REQUEST FOR ADMISSION NO. 630:

Plaintiff has applied commercial fertilizer to land within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 631:

Plaintiff has purchased liquid commercial fertilizer.

REQUEST FOR ADMISSION NO. 632:

Plaintiff has applied liquid commercial fertilizer to land within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 633:

The State of Oklahoma has issued permits allowing for the discharge of elemental phosphorus into the waters of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 634:

The State of Oklahoma has issued permits allowing for the discharge of phosphorus compounds into the waters of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 635:

The State of Oklahoma has issued permits allowing for the discharge of elemental nitrogen into the waters of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 636:

The State of Oklahoma has issued permits allowing for the discharge of nitrogen compounds into the waters of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 637:

The State of Oklahoma has issued permits allowing for the discharge of elemental arsenic into the waters of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 638:

The State of Oklahoma has issued permits allowing for the discharge of arsenic compounds into the waters of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 639:

The State of Oklahoma has issued permits allowing for the discharge of elemental zinc into the waters of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 640:

The State of Oklahoma has issued permits allowing for the discharge of zinc compounds into the waters of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 641:

The State of Oklahoma has issued permits allowing for the discharge of elemental copper into the waters of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 642:

The State of Oklahoma has issued permits allowing for the discharge of copper compounds into the waters of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 643:

The State of Oklahoma has issued permits allowing for the discharge of hormones into the waters of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 644:

The State of Oklahoma has issued permits allowing for the discharge of microbial pathogens into the waters of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 645:

The State of Oklahoma has issued permits and promulgated regulations allowing the land application in the State of Oklahoma of biosolids containing microbial pathogens.

REQUEST FOR ADMISSION NO. 646:

The State of Oklahoma has issued permits and promulgated regulations allowing the land application in the Illinois River Watershed of biosolids containing elemental phosphorus.

REQUEST FOR ADMISSION NO. 647:

The State of Oklahoma has issued permits and promulgated regulations allowing the land application in the Illinois River Watershed of biosolids containing phosphorus compounds.

REQUEST FOR ADMISSION NO. 648:

The State of Oklahoma has issued permits and promulgated regulations allowing the land application in the Illinois River Watershed of biosolids containing elemental nitrogen.

REQUEST FOR ADMISSION NO. 649:

The State of Oklahoma has issued permits and promulgated regulations allowing the land application in the Illinois River Watershed of biosolids containing nitrogen compounds.

REQUEST FOR ADMISSION NO. 650:

The State of Oklahoma has issued permits and promulgated regulations allowing the land application in the Illinois River Watershed of biosolids containing elemental arsenic.

REQUEST FOR ADMISSION NO. 651:

The State of Oklahoma has issued permits and promulgated regulations allowing the land application in the Illinois River Watershed of biosolids containing arsenic compounds.

REQUEST FOR ADMISSION NO. 652:

The State of Oklahoma has issued permits and promulgated regulations allowing the land application in the Illinois River Watershed of biosolids containing elemental zinc.

REQUEST FOR ADMISSION NO. 653:

The State of Oklahoma has issued permits and promulgated regulations allowing the land application in the Illinois River Watershed of biosolids containing zinc compounds.

REQUEST FOR ADMISSION NO. 654:

The State of Oklahoma has issued permits and promulgated regulations allowing the land application in the Illinois River Watershed of biosolids containing elemental copper.

REQUEST FOR ADMISSION NO. 655:

The State of Oklahoma has issued permits and promulgated regulations allowing the land application in the Illinois River Watershed of biosolids containing copper compounds.

REQUEST FOR ADMISSION NO. 656:

The State of Oklahoma has issued permits and promulgated regulations allowing the land application in the Illinois River Watershed of biosolids containing hormones.

REQUEST FOR ADMISSION NO. 657:

The State of Oklahoma has issued permits and promulgated regulations allowing the land application in the Illinois River Watershed of biosolids containing microbial pathogens.

REQUEST FOR ADMISSION NO. 658:

One or more parcels of real property owned by Plaintiff within the Illinois River Watershed contains one or more septic systems.

REQUEST FOR ADMISSION NO. 659:

One or more parcels of real property owned by Plaintiff within the Illinois River Watershed is adjacent to one or more water bodies.

REQUEST FOR ADMISSION NO. 660:

Ephemeral (seasonal) streams run through one or more parcels of real property owned by Plaintiff within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 661:

Storm water runoff occurs from one or more parcels of real property owned by Plaintiff within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 662:

One or more parcels of real property owned by Plaintiff within the Illinois River Watershed is a source of elemental phosphorus present in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 663:

One or more parcels of real property owned by Plaintiff within the Illinois River Watershed is a source of phosphorus compounds present in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 664:

One or more parcels of real property owned by Plaintiff within the Illinois River Watershed is a source of elemental nitrogen present in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 665:

One or more parcels of real property owned by Plaintiff within the Illinois River Watershed is a source of nitrogen compounds present in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 666:

One or more parcels of real property owned by Plaintiff within the Illinois River Watershed is a source of elemental arsenic present in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 667:

One or more parcels of real property owned by Plaintiff within the Illinois River Watershed is a source of arsenic compounds present in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 668:

One or more parcels of real property owned by Plaintiff within the Illinois River Watershed is a source of elemental copper present in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 669:

One or more parcels of real property owned by Plaintiff within the Illinois River Watershed is a source of copper compounds present in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 670:

One or more parcels of real property owned by Plaintiff within the Illinois River Watershed is a source of elemental zinc present in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 671:

One or more parcels of real property owned by Plaintiff within the Illinois River Watershed is a source of zinc compounds present in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 672:

One or more parcels of real property owned by Plaintiff within the Illinois River Watershed is a source of hormones present in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 673:

One or more parcels of real property owned by Plaintiff within the Illinois River Watershed is a source of microbial pathogens present in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 674:

Plaintiff conducts regular inspections of farms that land apply poultry litter as a soil amendment and fertilizer.

REQUEST FOR ADMISSION NO. 675:

Construction within a streambed of the Illinois River Watershed can add sediment to the water in the stream.

REQUEST FOR ADMISSION NO. 676:

Dredging within a streambed of the Illinois River Watershed can add sediment to the water in the stream.

REQUEST FOR ADMISSION NO. 677:

Construction within a streambed of the Illinois River Watershed adds sediment to the water in the stream.

REQUEST FOR ADMISSION NO. 678:

Dredging within a streambed of the Illinois River Watershed adds sediment to the water in the stream.

REQUEST FOR ADMISSION NO. 679:

Moving rocks or boulders within a streambed of the Illinois River Watershed can add sediment to the water in the stream.

REQUEST FOR ADMISSION NO. 680:

Moving rocks or boulders within a streambed of the Illinois River Watershed adds sediment to the water in the stream.

REQUEST FOR ADMISSION NO. 681:

Plaintiff has engaged in construction within a streambed of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 682:

Plaintiff has engaged in dredging within a streambed of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 683:

Plaintiff has moved rocks or boulders within a streambed of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 684:

Plaintiff intends to engage in construction within a streambed of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 685:

Plaintiff intends to engage in dredging within a streambed of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 686:

Plaintiff intends to move rocks or boulders within a streambed of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 687:

Plaintiff has issued one or more permits for construction within a streambed of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 688:

Plaintiff has issued one or more permits for dredging within a streambed of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 689:

Plaintiff has issued permits for moving rocks or boulders within a streambed of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 690:

The construction of dirt roads has caused increased sediment in the streams of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 691:

The construction of gravel roads has caused increased sediment in the streams of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 692:

The maintenance of dirt roads has caused increased sediment in the streams of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 693:

The maintenance of gravel roads has caused increased sediment in the streams of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 694:

Plaintiff has constructed dirt roads in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 695:

Plaintiff has maintained dirt roads in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 696:

Plaintiff has constructed gravel roads in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 697:

Plaintiff has maintained gravel roads in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 698:

Plaintiff's construction of dirt roads has caused increased sediment in the streams of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 699:

Plaintiff's construction of gravel roads has caused increased sediment in the streams of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 700:

Plaintiff's maintenance of dirt roads has caused increased sediment in the streams of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 701:

Plaintiff's maintenance of gravel roads has caused increased sediment in the streams of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 702:

Sediment from dirt or gravel roads contributes elemental phosphorous to the surface waters of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 703:

Sediment from dirt or gravel roads contributes phosphorous compounds to the surface waters of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 704:

Sediment from dirt or gravel roads contributes elemental nitrogen to the surface waters of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 705:

Sediment from dirt or gravel roads contributes nitrogen compounds to the surface waters of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 706:

Sediment from dirt or gravel roads contributes elemental arsenic to the surface waters of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 707:

Sediment from dirt or gravel roads contributes arsenic compounds to the surface waters of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 708:

Sediment from dirt or gravel roads contributes elemental zinc to the surface waters of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 709:

Sediment from dirt or gravel roads contributes zinc compounds to the surface waters of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 710:

Sediment from dirt or gravel roads contributes elemental copper to the surface waters of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 711:

Sediment from dirt or gravel roads contributes copper compounds to the surface waters of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 712:

Sediment from dirt or gravel roads contributes hormones to the surface waters of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 713:

Sediment from dirt or gravel roads contributes microbial pathogens to the surface waters of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 714:

Equilibrium Phosphorus Concentration ("EPC") is a method to determine when a water system exceeds its total phosphorus criterion.

REQUEST FOR ADMISSION NO. 715:

The State of Oklahoma operates a marketplace for poultry litter.

REQUEST FOR ADMISSION NO. 716:

The State of Oklahoma is responsible for the website http://biosystems2.okstate.edu/poultry/index.asp.

REQUEST FOR ADMISSION NO. 717:

Section 303(d) of the Clean Water Act requires states to prepare and submit to the United States Environmental Protection Agency ("EPA") a list of water bodies that do not meet water quality standards and where Total Maximum Daily Loads ("TMDLs") will be developed (the "303(d) list").

REQUEST FOR ADMISSION NO. 718:

The Oklahoma Department of Environmental Quality ("ODEQ") is responsible for submitting lists of Oklahoma impaired water bodies to the EPA for the 303(d) list.

REQUEST FOR ADMISSION NO. 719:

The water bodies submitted by ODEQ for the 303(d) list are Category 5 water bodies.

REQUEST FOR ADMISSION NO. 720:

ODEQ has the responsibility for establishing TMDLs for Category 5 water bodies in Oklahoma.

REQUEST FOR ADMISSION NO. 721:

ODEQ submitted a list of Oklahoma Category 5 water bodies for the 303(d) list in 2002.

REQUEST FOR ADMISSION NO. 722:

ODEQ has not submitted a list of Oklahoma Category 5 impaired water bodies for the 303(d) list since 2002.

REQUEST FOR ADMISSION NO. 723:

ODEQ's 2002 303(d) list (the "2002 303(d) list") contains ten water bodies located in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 724:

ODEQ has not established TMDLs for any water bodies located in the Illinois River Watershed that are listed on the 2002 303(d) list.

REQUEST FOR ADMISSION NO. 725:

ODEQ has not established TMDLs for a majority of water bodies located in the Illinois River Watershed that are listed on the 2002 303(d) list.

REQUEST FOR ADMISSION NO. 726:

The State of Oklahoma has never petitioned the Administrator of the EPA to convene a management conference under Section 319(g) of the Clean Water Act.

REQUEST FOR ADMISSION NO. 727:

The State of Oklahoma has never petitioned the Administrator of the EPA to convene a management conference under Section 319(g) of the Clean Water Act regarding the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 728:

Plaintiff has established .037mg/l as the limit for total phosphorus in designated scenic rivers within the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 729:

Oklahoma's criterion of .037 mg/l for total phosphorus in designated scenic rivers cannot be met without reductions in the contributions from point sources.

REQUEST FOR ADMISSION NO. 730:

Plaintiff has no evidence that any poultry litter application has caused any water body in the Illinois River Watershed to exceed Oklahoma's criterion of .037 mg/L for total phosphorus.

REQUEST FOR ADMISSION NO. 731:

Plaintiff has no evidence that the application of litter generated on farms under contract with the Tyson companies has caused any water body in the Illinois River Watershed to exceed Oklahoma's criterion of .037 mg/L for total phosphorus.

REQUEST FOR ADMISSION NO. 732:

Even if no poultry litter were land applied within the Illinois River Watershed next year, Oklahoma's criterion of .037 mg/l for total phosphorus in designated scenic rivers could not be met without reductions in contributions from other sources.

REQUEST FOR ADMISSION NO. 733:

Point source concentrations of total phosphorus would have to be reduced to an average of 0.25 mg/l to support the State of Oklahoma's numerical water quality standard for total phosphorus of 0.037 mg/l in Oklahoma's Scenic Rivers, regardless of poultry litter application rates.

REQUEST FOR ADMISSION NO. 734:

The ODEQ exercises jurisdiction within Oklahoma over point source discharges of pollutants to waters of the State of Oklahoma.

REQUEST FOR ADMISSION NO. 735:

The ODEQ exercises jurisdiction within Oklahoma over discharges and runoff of storm water to waters of the State of Oklahoma.

REQUEST FOR ADMISSION NO. 736:

The ODEQ exercises jurisdiction within Oklahoma over nonpoint source discharges and pollution.

REQUEST FOR ADMISSION NO. 737:

The Oklahoma Water Resources Board exercises jurisdiction in Oklahoma over groundwater protection.

REQUEST FOR ADMISSION NO. 738:

The ODAFF exercises jurisdiction in Oklahoma over point source discharges and nonpoint source runoff from agricultural crop production, agricultural services, livestock production, animal waste, and fertilizer.

REQUEST FOR ADMISSION NO. 739:

The ODAFF exercises jurisdiction in Oklahoma over groundwater protection.

REQUEST FOR ADMISSION NO. 740:

The Oklahoma Conservation Commission exercises jurisdiction in Oklahoma over soil conservation, erosion control, and nonpoint source management.

REQUEST FOR ADMISSION NO. 741:

The Oklahoma Scenic Rivers Commission ("OSRC") exercises jurisdiction in Oklahoma over water quality for Oklahoma's designated Scenic Rivers.

REQUEST FOR ADMISSION NO. 742:

The OSRC exercises jurisdiction in Oklahoma over the lands adjacent and contiguous to designated Scenic Rivers.

REQUEST FOR ADMISSION NO. 743:

Ed Fite, the Oklahoma Scenic Rivers Commission administrator, has negotiated with governmental and business leaders in Arkansas to improve water quality in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 744:

Ed Fite's negotiations with governmental and business leaders in Arkansas have improved water quality in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 745:

Ed Fite's negotiations with governmental and business leaders in Arkansas have prevented decreases in water quality in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 746:

The Oklahoma Attorney General or his representative has told Ed Fite to stop communicating with governmental or business representatives from Arkansas about water quality issues.

REQUEST FOR ADMISSION NO. 747:

The Oklahoma Attorney General or his representative has told Ed Fite to stop negotiating with governmental or business representatives from Arkansas about water quality issues.

VI. PLAINTIFF'S ALLEGATIONS OF DAMAGES AND REQUEST FOR AN INJUNCTION

REQUEST FOR ADMISSION NO. 748:

Plaintiff has not conducted a Natural Resource Damage Assessment pursuant to 43 C.F.R. Part 11.

REQUEST FOR ADMISSION NO. 749:

Plaintiff has not conducted any removal activities designed to reduce the levels of elemental phosphorus in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 750:

Plaintiff has not conducted any removal activities designed to reduce the levels of phosphorus compounds in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 751:

Plaintiff has not conducted any removal activities designed to reduce the levels of elemental nitrogen in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 752:

Plaintiff has not conducted any removal activities designed to reduce the levels of nitrogen compounds in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 753:

Plaintiff has not conducted any removal activities designed to reduce the levels of elemental arsenic in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 754:

Plaintiff has not conducted any removal activities designed to reduce the levels of arsenic compounds in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 755:

Plaintiff has not conducted any removal activities designed to reduce the levels of elemental zinc in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 756:

Plaintiff has not conducted any removal activities designed to reduce the levels of zinc compounds in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 757:

Plaintiff has not conducted any removal activities designed to reduce the levels of elemental copper in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 758:

Plaintiff has not conducted any removal activities designed to reduce the levels of copper compounds in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 759:

Plaintiff has not conducted any removal activities designed to reduce the levels of hormones in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 760:

Plaintiff has not conducted any removal activities designed to reduce the levels of microbial pathogens in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 761:

Plaintiff has not incurred any costs for hauling poultry litter out of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 762:

Plaintiff has not incurred any costs for hauling excess poultry litter, if any, out of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 763:

Plaintiff has not incurred any costs associated with managing and disposing of poultry litter within or outside of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 764:

Plaintiff has not incurred any costs associated with managing and disposing of excess poultry litter, if any, within or outside of the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 765:

The Oklahoma Attorney General has said that Defendants cannot afford the total cost of reclamation Plaintiff is seeking and that such an amount would work a hardship on some of the smaller defendant companies.

REQUEST FOR ADMISSION NO. 766:

Defendants cannot afford the total cost of reclamation Plaintiff is seeking and that such an amount would work a hardship on some of the smaller defendant companies.

REQUEST FOR ADMISSION NO. 767:

Not all monies collected as damages in this case, if any are ultimately collected, will be used to compensate for the injuries alleged in the First Amended Complaint.

REQUEST FOR ADMISSION NO. 768:

The Oklahoma Attorney General has stated that the cost of fixing the problems alleged in the complaint "will be high."

REQUEST FOR ADMISSION NO. 769:

The Oklahoma Attorney General has stated that the poultry company Defendants will face a significant competitive disadvantage if he wins this case.

REQUEST FOR ADMISSION NO. 770:

The Oklahoma Attorney General has stated that a victory for his side will raise the cost of Arkansas poultry by 10 cents a bird.

REQUEST FOR ADMISSION NO. 771:

The Oklahoma Attorney General has stated that the problems alleged in the complaint are "a national problem, and there really should be a national solution applied equally to everyone."

VII. PLAINTIFF'S CLAIMS BASED ON CONDUCT OCCURRING IN ARKANSAS

REQUEST FOR ADMISSION NO. 772:

On behalf of Plaintiff, the Oklahoma Attorney General has said that this case cannot proceed if Oklahoma may not enforce Oklahoma or federal law against activities occurring in Arkansas.

REQUEST FOR ADMISSION NO. 773:

This case cannot proceed if Oklahoma may not enforce Oklahoma or federal law against activities occurring in Arkansas.

VII. DEFENSES RELATING TO THE USE OF POULTRY LITTER AS A FERTILIZER AND SOIL AMENDMENT

REQUEST FOR ADMISSION NO. 774:

Poultry litter can be used as a fertilizer.

REQUEST FOR ADMISSION NO. 775:

Poultry litter has been used as a fertilizer in the Illinois River Watershed for more than fifty years.

REQUEST FOR ADMISSION NO. 776:

The use of poultry litter as a fertilizer in the State of Oklahoma is legal.

REQUEST FOR ADMISSION NO. 777:

The use of poultry litter as a fertilizer in the Illinois River Watershed is legal.

REQUEST FOR ADMISSION NO. 778:

Poultry litter can be used as a soil amendment.

REQUEST FOR ADMISSION NO. 779:

Poultry litter has been used as a soil amendment in the Illinois River Watershed for more than fifty years.

REQUEST FOR ADMISSION NO. 780:

The use of poultry litter as a soil amendment in the State of Oklahoma is legal.

REQUEST FOR ADMISSION NO. 781:

The use of poultry litter as a soil amendment in the Illinois River Watershed is legal.

REQUEST FOR ADMISSION NO. 782:

Laws and regulations enacted by State of Oklahoma authorize or permit the application of poultry litter to land in Oklahoma.

REQUEST FOR ADMISSION NO. 783:

Laws and regulations enacted by the State of Oklahoma authorize or permit the application of poultry litter to land in the Illinois River Watershed when soil tests show the soil of the relevant parcel of land contains total P of 50 lbs per acre or less.

REQUEST FOR ADMISSION NO. 784:

Laws and regulations enacted by the State of Oklahoma authorize or permit the application of poultry litter to land in the Illinois River Watershed when soil tests show the soil of the relevant parcel of land contains total P of 100 lbs per acre or less.

REQUEST FOR ADMISSION NO. 785:

Laws and regulations enacted by the State of Oklahoma authorize or permit the application of poultry litter to land in the Illinois River Watershed when soil tests show the soil of the relevant parcel of land contains total P of 150 lbs per acre or less.

REQUEST FOR ADMISSION NO. 786:

Laws and regulations enacted by the State of Oklahoma authorize or permit the application of poultry litter to land in the Illinois River Watershed when soil tests show the soil of the relevant parcel of land contains total P of 200 lbs per acre or less.

REQUEST FOR ADMISSION NO. 787:

Laws and regulations enacted by the State of Oklahoma authorize or permit the application of poultry litter to land in the Illinois River Watershed when soil tests show the soil of the relevant parcel of land contains total P of 250 lbs per acre or less.

REQUEST FOR ADMISSION NO. 788:

Laws and regulations enacted by the State of Oklahoma authorize or permit the application of poultry litter to land in the Illinois River Watershed when soil tests show the soil of the relevant parcel of land contains total P of 300 lbs per acre or less.

REQUEST FOR ADMISSION NO. 789:

Laws and regulations enacted by the State of Oklahoma do not limit or restrict the land application of poultry litter to the agronomic needs of plants or crops for elemental phosphorus or phosphorus compounds.

REQUEST FOR ADMISSION NO. 790:

Laws and regulations enacted by the State of Oklahoma do not limit or restrict the land application of poultry litter in the Illinois River Watershed to the agronomic needs of plants or crops for elemental phosphorus or phosphorus compounds.

REQUEST FOR ADMISSION NO. 791:

The State of Oklahoma has issued animal waste management plans to poultry growers specifying the location and amounts for the land application of poultry litter.

REQUEST FOR ADMISSION NO. 792:

The State of Oklahoma has issued animal waste management plans to poultry growers specifying the location and amounts for the land application of poultry litter in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 793:

Animal waste management plans issued by the State of Oklahoma to poultry growers permit or authorize the application of poultry litter to lands in the Illinois River Watershed when soil tests show the soil of the relevant parcel of land contains total P of up to 300 lbs per acre.

REQUEST FOR ADMISSION NO. 794:

Animal waste management plans issued by the State of Oklahoma to poultry growers do not limit or restrict the land application of poultry litter in the Illinois River

Watershed to the agronomic needs of plants or crops for elemental phosphorus or phosphorus compounds.

REQUEST FOR ADMISSION NO. 795:

Plaintiff has no evidence that animal waste management plans issued by the State of Oklahoma to poultry growers have been violated by the application of poultry litter to lands in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 796:

Laws and regulations enacted by State of Arkansas authorize or permit the application of poultry litter to land in Arkansas.

REQUEST FOR ADMISSION NO. 797:

Plaintiff has stated that the claims set forth in Plaintiff's First Amended Complaint may not be asserted in situations involving the normal agricultural use of animal manure as fertilizer.

REQUEST FOR ADMISSION NO. 798:

The claims set forth in Plaintiff's First Amended Complaint may not be asserted in situations involving the normal agricultural use of animal manure as fertilizer.

REQUEST FOR ADMISSION NO. 799:

Plaintiff does not assert any claim in this case against the normal agricultural use of animal manure as fertilizer.

REQUEST FOR ADMISSION NO. 800:

Plaintiff has no evidence that the application of any poultry litter in the Illinois River Watershed violated any laws.

REQUEST FOR ADMISSION NO. 801:

Plaintiff has no evidence that the application of any poultry litter in the Illinois River Watershed by poultry growers who grew poultry under contract with the Tyson companies violated any laws.

REQUEST FOR ADMISSION NO. 802:

Plaintiff has no evidence that the application of any poultry litter in the Illinois River Watershed breached any duty.

REQUEST FOR ADMISSION NO. 803:

Plaintiff has no evidence that the application of any poultry litter in the Illinois River Watershed by poultry growers who grew poultry under contract with the Tyson companies breached any duty.

REQUEST FOR ADMISSION NO. 804:

Land application of poultry litter returns nutrients and organic matter to the soil, building soil fertility and quality.

REQUEST FOR ADMISSION NO. 805:

In addition to phosphorus compounds, poultry litter contains other nutrients which are needed for plant growth.

REQUEST FOR ADMISSION NO. 806:

Nitrogen compounds are needed for plant growth.

REQUEST FOR ADMISSION NO. 807:

Nitrogen compounds are found in poultry litter.

REQUEST FOR ADMISSION NO. 808:

Potassium is needed for plant growth.

REQUEST FOR ADMISSION NO. 809:

Potassium is in poultry litter.

REQUEST FOR ADMISSION NO. 810:

Sodium is needed for plant growth.

REQUEST FOR ADMISSION NO. 811:

Sodium is in poultry litter.

REQUEST FOR ADMISSION NO. 812:

Calcium is needed for plant growth.

REQUEST FOR ADMISSION NO. 813:

Calcium is in poultry litter.

REQUEST FOR ADMISSION NO. 814:

Copper compounds are needed for plant growth.

REQUEST FOR ADMISSION NO. 815:

Copper compounds are in poultry litter.

REQUEST FOR ADMISSION NO. 816:

Iron is needed for plant growth.

REQUEST FOR ADMISSION NO. 817:

Iron is in poultry litter.

REQUEST FOR ADMISSION NO. 818:

Magnesium is needed for plant growth.

REQUEST FOR ADMISSION NO. 819:

Magnesium is in poultry litter.

REQUEST FOR ADMISSION NO. 820:

The Oklahoma Attorney General has stated that poultry litter is an excellent fertilizer.

REQUEST FOR ADMISSION NO. 821:

Poultry litter is an excellent fertilizer.

REQUEST FOR ADMISSION NO. 822:

The Oklahoma Attorney General has stated that to the extent poultry litter is needed as fertilizer it should be applied.

REQUEST FOR ADMISSION NO. 823:

To the extent poultry litter is needed as fertilizer it should be applied.

REQUEST FOR ADMISSION NO. 824:

The Oklahoma Attorney General has stated that the existing exemptions for agricultural uses in CERCLA and the Emergency Planning and Community Right-to-Know Act of 1986 ("EPCRA") are "adequate to protect all legitimate uses of animal waste by farmers" and "strike an appropriate balance between the beneficial use of animal waste for fertilization and the need to protect public health and the environment . . . ."

REQUEST FOR ADMISSION NO. 825:

The existing exemptions in CERCLA and EPCRA for agricultural use are "adequate to protect all legitimate uses of animal waste by farmers" and "strike an appropriate balance between the beneficial use of animal waste for fertilization and the need to protect public health and the environment . . . ."

REQUEST FOR ADMISSION NO. 826:

There is a "beneficial use of animal waste for fertilization."

REQUEST FOR ADMISSION NO. 827:

The Oklahoma Attorney General has stated that wheat farmers in western Oklahoma would love to get poultry litter to use as a fertilizer, but cannot because there is a dollar cost to the transportation.

REQUEST FOR ADMISSION NO. 828:

Wheat farmers in western Oklahoma would love to get poultry litter to use as a fertilizer, but cannot because there is a dollar cost to the transportation.

IX. PLAINTIFF'S CLAIM OF AN "IMMINENT AND SUBSTANTIAL ENDANGERMENT" IN THE ILLINOIS RIVER WATERSHED

REQUEST FOR ADMISSION NO. 829:

There is no imminent and substantial endangerment to health in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 830:

There is no imminent and substantial endangerment to health in the Illinois River Watershed resulting from the land application of poultry litter.

REQUEST FOR ADMISSION NO. 831:

There is no imminent and substantial endangerment to health in the Illinois River Watershed in Arkansas.

REQUEST FOR ADMISSION NO. 832:

There is no imminent and substantial endangerment to health in the Illinois River Watershed in Arkansas resulting from the land application of poultry litter.

REQUEST FOR ADMISSION NO. 833:

There is no imminent and substantial endangerment to health in the Illinois River Watershed in Oklahoma.

REQUEST FOR ADMISSION NO. 834:

There is no imminent and substantial endangerment to health in the Illinois River Watershed in Oklahoma resulting from the land application of poultry litter.

REQUEST FOR ADMISSION NO. 835:

There is no imminent and substantial endangerment to the environment in the Illinois River Watershed.

REQUEST FOR ADMISSION NO. 836:

There is no imminent and substantial endangerment to the environment in the Illinois River Watershed resulting from the land application of poultry litter.

REQUEST FOR ADMISSION NO. 837:

There is no imminent and substantial endangerment to the environment in the Illinois River Watershed in Arkansas.

REQUEST FOR ADMISSION NO. 838:

There is no imminent and substantial endangerment to the environment in the Illinois River Watershed in Arkansas resulting from the land application of poultry litter.

REQUEST FOR ADMISSION NO. 839:

There is no imminent and substantial endangerment to the environment in the Illinois River Watershed in Oklahoma.

REQUEST FOR ADMISSION NO. 840:

There is no imminent and substantial endangerment to the environment in the Illinois River Watershed in Oklahoma resulting from the land application of poultry litter.

REQUEST FOR ADMISSION NO. 841:

There is no danger to the public's health in the Illinois River Watershed resulting from the land application of poultry litter.

REQUEST FOR ADMISSION NO. 842:

The State of Oklahoma has never advised people not to swim in any waters in the Illinois River Watershed due to pollution or water quality conditions.

REQUEST FOR ADMISSION NO. 843:

The State of Oklahoma has never advised people not to swim in any waters in the Illinois River Watershed due to pollution or water quality conditions in the last 10 years.

REQUEST FOR ADMISSION NO. 844:

The State of Oklahoma has never advised people not to drink water which comes from the Illinois River Watershed due to pollution or water quality conditions.

REQUEST FOR ADMISSION NO. 845:

The State of Oklahoma has never advised people not to drink water which comes from the Illinois River Watershed due to pollution or water quality conditions in the last 10 years.

REQUEST FOR ADMISSION NO. 846:

The State of Oklahoma has never advised people not to consume water supplied by the rural or municipal water treatment facilities which draw drinking water from the Illinois River Watershed due to pollution or water quality conditions.

REQUEST FOR ADMISSION NO. 847:

The State of Oklahoma has never advised people not to eat fish which come from the waters in the Illinois River Watershed due to pollution or water quality conditions.

REQUEST FOR ADMISSION NO. 848:

The State of Oklahoma has never advised people not to eat fish which come from the waters in the Illinois River Watershed due to pollution or water quality conditions in the last 10 years.

REQUEST FOR ADMISSION NO. 849:

Tenkiller Ferry Lake is the clearest lake in the State of Oklahoma

REQUEST FOR ADMISSION NO. 850:

Tenkiller Ferry Lake is host to numerous fishing tournaments.

X. COMPLIANCE WITH STATE LAW AS A DEFENSE TO PLAINTIFF'S CLAIMS

REQUEST FOR ADMISSION NO. 851:

Plaintiff has no evidence of any instance in which a specific poultry grower under contract with the Tyson companies in the Illinois River Watershed has violated the provisions of Okla. Stat. tit. 27A, § 2-6-105.

REQUEST FOR ADMISSION NO. 852:

Plaintiff has no evidence of any instance in which a specific poultry grower under contract with the Tyson companies in the Illinois River Watershed has violated the provisions of Okla. Stat. tit. 2, § 2-18.1.

REQUEST FOR ADMISSION NO. 853:

Plaintiff has no evidence of any instance in which a specific poultry grower under contract with the Tyson companies in the Illinois River Watershed has violated the provisions of Okla. Stat. tit. 2, § 10-9.7.

REQUEST FOR ADMISSION NO. 854:

Plaintiff has no evidence of any instance in which a specific poultry grower under contract with the Tyson companies in the Illinois River Watershed has violated the provisions of OAC 35: 17-5-5.

REQUEST FOR ADMISSION NO. 855:

Plaintiff has no evidence of any instance in which a specific poultry grower under contract with the Tyson companies in the Illinois River Watershed has violated the provisions of OAC 35: 17-3-14.

REQUEST FOR ADMISSION NO. 856:

The phosphorus standard in 785 Okla. Admin. C. 45-5-25(d) applies to total phosphorus.

REQUEST FOR ADMISSION NO. 857:

As it applies to 785 Okla. Admin. C. 45-5-25(d), total phosphorus is a measure of the sum of elemental phosphorus and all phosphorus compounds.

REQUEST FOR ADMISSION NO. 858:

As it applies to 785 Okla. Admin. C. 45-5-25(d), total phosphorus does not indicate the concentration of any one phosphorus compound.

REQUEST FOR ADMISSION NO. 859:

The Oklahoma Attorney General has stated that beef, pork, and smaller poultry producers do not pose many environmental problems because most of them adhere to state regulations.

REQUEST FOR ADMISSION NO. 860:

Beef, pork, and smaller poultry producers do not pose many environmental problems because most of them adhere to state regulations.

REQUEST FOR ADMISSION NO. 861:

The Oklahoma Attorney General has stated that cattle and hog operations do not violate the laws that form the basis of the complaint in this case.

REQUEST FOR ADMISSION NO. 862:

Cattle and hog operations do not violate the laws that form the basis of the complaint in this case.

REQUEST FOR ADMISSION NO. 863:

The Oklahoma Attorney General has said that poultry farmers have "done the best they could under the rules," governing poultry litter.

REQUEST FOR ADMISSION NO. 864:

Poultry farmers have "done the best they could under the rules," governing poultry litter.

XI. PLAINTIFF'S DISCOVERY CONDUCT

REQUEST FOR ADMISSION NO. 865:

On one or more occasions Plaintiff entered a property in Arkansas without first obtaining permission from the owner or administrator of the property.

REQUEST FOR ADMISSION NO. 866:

On one or more occasions Plaintiff collected samples of surface water, ground water, soil, sediment, or other media from a property located in Arkansas without first obtaining permission from the owner or administrator of the property.

REQUEST FOR ADMISSION NO. 867:

On one or more occasions Plaintiff installed a sampling device or devices on a property located in Arkansas without first obtaining permission from the owner or administrator of the property.

REQUEST FOR ADMISSION NO. 868:

On one or more occasions Plaintiff installed a monitoring device or devices on a property located in Arkansas without first obtaining permission from the owner or administrator of the property.

REQUEST FOR ADMISSION NO. 869:

On one or more occasions Plaintiff entered a property in Oklahoma without first obtaining permission from the owner or administrator of the property.

REQUEST FOR ADMISSION NO. 870:

On one or more occasions Plaintiff collected samples of surface water, ground water, soil, sediment, or other media from a property located in Oklahoma without first obtaining permission from the owner or administrator of the property.

REQUEST FOR ADMISSION NO. 871:

On one or more occasions Plaintiff installed a sampling device or devices on a property located in Oklahoma without first obtaining permission from the owner or administrator of the property.

REQUEST FOR ADMISSION NO. 872:

On one or more occasions Plaintiff installed a monitoring device or devices on a property located in Oklahoma without first obtaining permission from the owner or administrator of the property.

REQUEST FOR ADMISSION NO. 873:

On one or more occasions Plaintiff entered a property owned or administered by the Cherokee Nation without first obtaining permission from the Cherokee Nation.

REQUEST FOR ADMISSION NO. 874:

On one or more occasions Plaintiff collected samples of surface water, ground water, soil, sediment, or other media from a property owned or administered by the Cherokee Nation without first obtaining permission from the Cherokee Nation.

REQUEST FOR ADMISSION NO. 875:

On one or more occasions Plaintiff installed a sampling device or devices on a property owned or administered by the Cherokee Nation without first obtaining permission from the Cherokee Nation.

REQUEST FOR ADMISSION NO. 876:

On one or more occasions Plaintiff installed a monitoring device or devices on a property owned or administered by the Cherokee Nation without first obtaining permission from the Cherokee Nation.

REQUEST FOR ADMISSION NO. 877:

On one or more occasions Plaintiff asked poultry producers who contract with one or more Defendant for permission to take samples or install a monitoring device on their property without notifying the Defendant with whom the poultry producer contracted.

REQUEST FOR ADMISSION NO. 878:

On one or more occasions Plaintiff asked poultry producers who are represented by counsel for permission to take samples or install a monitoring device on their property without notifying the poultry producer's counsel.

DOCUMENT REQUEST

For each of the above Requests that you deny, produce any and all documents in your possession, custody or control that support your statement of denial, together with a list describing to which Request(s) the documents pertain. If you have already produced

documents covered by this document request to one or more of the Tyson companies, you need not re-produce those documents but may instead include a statement identifying the specific documents previously produced and to which Request(s) those documents pertain.

Respectfully submitted,

KUTAK ROCK LLP

By: */s/ Robert W. George*
Robert W. George, OBA #18562
Michael R. Bond, *appearing pro hac vice*
The Three Sisters Building
214 West Dickson Street
Fayetteville, AR 72701-5221
(479) 973-4200 Telephone
(479) 973-0007 Facsimile

-and-

Patrick M. Ryan, OBA #7864
Stephen Jantzen, OBA #16247
Paula Buchwald, OBA #20464
RYAN, WHALEY & COLDIRON
900 Robinson Renaissance
119 North Robinson, Suite 900
Oklahoma City, OK 73102

-and-

Thomas C. Green, *appearing pro hac vice*
Mark D. Hopson, *appearing pro hac vice*
Jay T. Jorgenson, *appearing pro hac vice*
Timothy K. Webster, *appearing pro hac vice*
SIDLEY AUSTIN LLP
1501 K. Street, N.W.
Washington, D.C. 20005-1401

ATTORNEYS FOR DEFENDANTS, TYSON FOODS, INC., TYSON POULTRY, INC., TYSON CHICKEN, INC. AND COBB-VANTRESS, INC.